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## Planning Commission Staff Report

**TO:** PLANNING COMMISSION

**FROM:** NATHAN WILLIAMS, PLANNER II, *NW*  
480-503-6805, NATHAN.WILLIAMS@GILBERTAZ.GOV

**THROUGH:** CATHERINE.LORBEER, AICP, PRINCIPAL PLANNER *ajl*  
480-503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE:** OCTOBER 1, 2014

**SUBJECT:** UP13-04, GILBERT TOWN CENTER APARTMENTS: REQUEST TO APPROVE A CONDITIONAL USE PERMIT FOR APPROXIMATELY 13.72 ACRES OF REAL PROPERTY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF GILBERT ROAD AND WARNER ROAD TO ALLOW A MULTI-FAMILY RESIDENTIAL USE IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

**STRATEGIC INITIATIVE:** Community Livability

Allow for the subject property to develop as an integrated mixed use development with multi-family apartments in the Regional Commercial (RC) zoning district.

### **RECOMMENDED MOTION**

Make the Findings of Fact and Deny UP13-04 Gilbert Town Center Apartments: A request for a Conditional Use Permit to allow a Multi-Family Residential Use in the Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay, on a 13.72 acres located south and east of the southeast corner of Gilbert Road and Warner Road. .

## **APPLICANT/OWNER**

Paul Gilbert/ Dennis Newcombe  
Beus Gilbert  
701 N. 44<sup>th</sup> Street  
Phoenix, AZ 85008  
V: 480-429-3002  
[pgilbert@beusgilbert.com](mailto:pgilbert@beusgilbert.com)

AZ Gilbert Holdings LLC/ Lehman Brothers  
Holdings, Inc.  
Christopher Bley  
3224 Peachtree Road, Suite 2200  
Atlanta, GA 30326-1156  
V: 310-500-3534  
[chris.bley@lehmanholdings.com](mailto:chris.bley@lehmanholdings.com)

## **BACKGROUND/DISCUSSION**

### **History**

- |                   |  |
|-------------------|--|
| October 25, 2005  | Town Council approved GP05-07 (Res. No. 2649), the minor General Plan Amendment from Shopping Center Land Use Designation to Regional Commercial (RC) Land Use Designation, for Gilbert Town Center, for approx. 37 acres.<br><br>Town Council approved Z05-14 (Ord. No. 1689), a rezoning request from Shopping Center (SC) zoning district with a PAD Overlay to Regional Commercial (RC) zoning district with a PAD Overlay, for Gilbert Town Center on approx. 37 acres located at the southeast corner of Gilbert Road and Warner Road. |
| December 7, 2005  | The Planning Commission approved UP05-12, a use permit for a 1,206 unit multi-family residential development as part of an integrated mixed use development plan and a building height increase from 55' to 65' in the RC zoning district, on the 37 acre subject site.  |
| May 17, 2012      | Town Council approved Z12-02 (Ord. No. 2368), a rezoning request from 11.7 acres of Regional Commercial (RC) zoning district with a PAD Overlay, to Regional Commercial (RC) zoning district with a PAD Overlay; in order to remove the 11.7 acre site from the requirements of the existing Gilbert Town Center PAD.  |
| June 5, 2013      | The Planning Commission reviewed the proposed rezoning Z13-08 and use permit UP13-04 at the study session.   |
| September 3, 2014 | The Planning Commission reviewed the proposed use permit UP13-04 at the study session.   |

## Overview

The applicant is requesting to construct multi-family apartments on the 13.72 acre southeastern parcel (Parcel 2). The subject site is located at the southeast corner of Gilbert Road and Warner Road. Under the LDC Commercial Zoning District, Section 2.303 (L7), Multi-family Residential Uses are permitted in the Regional Commercial (RC) zoning district, however the LDC states the use is ***“Only permitted as part of an integrated, mixed-use plan and a Conditional Use Permit is required”***.

The associated request is to rezone the site. The rezoning request will essentially remove the 25.3 acre subject site from the requirements of the existing Gilbert Town Center PAD and Development Plan and allow for the site to develop under a revised Development Plan in Regional Commercial (RC) development standards including 13.7 acres of multi-family residential use in the Regional Commercial (RC) zoning district, as part of an integrated mixed-use development. The proposed PAD deviations include eliminating the 3<sup>rd</sup> story building step-back requirement within 100’ of residentially designated property, decreasing the front and side yard building and landscape setbacks, as noted below in the Site Development Standards Table below.

### Site Development Standards:

	<b>Previous Development for Gilbert Town Center (Z05-14 and UP05-12)</b>	<b>LDC Conventional RC</b>	<b>Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)</b>
Zoning District:	RC PAD	RC	RC PAD
Number of Residential Units	1,206 units/ 37 acres 32.5 DU/ Acre	N/A	256 units/ 13.72 acres 18.65 DU/ Acre
Commercial Uses (sq. ft.)	179,000 sq. ft.	N/A	6-8 buildings of Retail and Office uses. Unknown square footage.
Landscape/ Open Space Area (%)	52%	15% (RC) 40% (MF/M)	43%
Maximum Height (ft.)/Stories	65’/ 5-stories	55’	37’3” / 3-stories
Building Step-back	N/A	LDC – 2.304.A: Where a building in is within 100’ of property designated for residential use in the General Plan, a building step-back of 1-foot for every 1-foot of building height above 2	<b>No Building Step-back</b>

	<b>Previous Development for Gilbert Town Center (Z05-14 and UP05-12)</b>	<b>LDC Conventional RC</b>	<b>Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)</b>
		stories or 35 feet is required. (Step-back at 3 <sup>rd</sup> story)	
Minimum Building Setbacks: Front (Civic Center) Side (Palm Street) Rear	25' 20' 20'	25' 20' 20'	<b>10'</b> <b>10'</b> 20'
Minimum Landscape Setbacks: Front (Civic Center) Side (Palm Street) Rear	25' 20' 20'	<b>25'</b> <b>20'</b> <b>20'</b>	<b>20'*</b> <b>20'*</b> <b>20'</b>
Building Lot Coverage	28%	60% single story 50% two/ three-story	29% two/ three-story
Separation Fence/ Wall	N/A	LDC – 4.109.B.1: A 8' solid separation fence is required on the property line between Commercial and Residential Uses  LDC – 2.304.C: Separation fences/ walls are not permitted within the required landscape setbacks	<b>Applicant is requesting a 6' high view fence</b>  <b>Applicant is requesting that separation walls/ fences be permitted within the required landscape setbacks</b>

\*20' landscape setback required except where buildings located with a 10' setback.



### **Use Permit (UP13-04)**

UP13-04 for the Gilbert Town Center Apartments is a request to approve a conditional use permit for approximately 13 acres of real property located south and east of the southeast corner of Gilbert Road and Warner Road to allow a multi-family residential use in the Regional Commercial (RC) zoning district, pending approval of rezoning case Z13-08.

The conditional use permit process for multi-family within the RC zoning district was enhanced with the intent to incentivize and foster a creative and truly integrated mixed use development, such as specialty lifestyle centers with density that provide all the various components of the Town's Live, Work Play motto.

The previously approved development plan and use permit for Gilbert Town Center under Z05-14 and UP05-12 provided a tremendous amount of usable open space, walkways/ trails, pedestrian plazas and gathering areas. The previous development plan also created density and integration with the overall site for pedestrian oriented building designs and elements including sidewalk widths and locations, pedestrian coverings and building fronts, upper story activities overlooking the street, pedestrian plazas and connections, pedestrian amenities, scale and fenestration. In contrast, the proposed development plan lacks the previous integration and density to the overall site for a number of reasons to be discussed further in this staff report. Additionally the applicant is requesting deviations from the reduced RC zoning setbacks for the 3-story apartment buildings and the step back requirement at the 3<sup>rd</sup> floor building elevations adjacent to existing residential. The apartments will then be pushed forward, closer to the adjacent streets and fenced for security creating further detachment from the overall site with no pedestrian or integration benefit.

### **Analysis of Use Permit Criteria: LDC Section 5.403**

The Use Permit process is used to review each project for impact on surrounding properties on a case-by-case basis. The LDC outlines four specific findings that must be made by the Planning Commission to grant a Use Permit and are discussed below.

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

*The proposed use permit could potentially be detrimental to adjacent property owners and neighborhoods with the development of an apartment complex with development standard deviations and the increase traffic in the area.*

2. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan adopted by the Town Council;

*Staff does not believe that the proposed use permit conforms to the intent and policies of the general plan.*

3. The proposed use conforms to the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements;

*The requested use permit (UP13-04), is associated with the rezoning (Z13-08) under the rezoning the applicant is requesting deviations from the required setbacks and building setbacks.*

4. The proposed uses, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

*Staff believes that the proposed use permit to allow multi-family uses in the Regional Commercial zoning district could potentially interfere with the enjoyment of nearby property owners and users.*

*Multi-family use in regional commercial district.* In addition to the findings required in Land Development Code (LDC) Section 5.403: required findings, the planning commission shall approve, approve with modifications and/or conditions, or deny a use permit for a multi-family use in a regional commercial district only after making the additional findings of fact set forth in this section:

1. Mixed land uses- the proposed project demonstrates that land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned). A mixed-use development is an efficient integration (horizontally or vertically) of non-residential and residential uses that cultivates a sense of community in a live, work, and play environment.

*Staff believes that the proposed development plan does not provide for either vertical or horizontal integration and therefore does not comply with the intent of this finding of fact, as the proposal does not provide for an efficient design that cultivates the intended sense of a live, work, and play environment but rather relies on a stand-alone suburban multi-family apartment complex design. Additionally, there would be the loss of 13.72 acres of commercial uses without the benefit of creating a more regional draw at one of the most significant corners in the Town of Gilbert.*

2. Sustainability through compact design- the proposed project demonstrates that site layout is compact and configures buildings, parking areas, streets, and driveways and gathering places in a way that lessens dependence on the automobile, and reduces impacts on the natural environment. Parking for the multi-family residential component meets multi-family residential parking requirements or an approved “shared-parking” model.

*Staff finds that the proposed development plan provides a layout and design that relies predominantly upon automobiles for ingress and egress of the subject site and provides for a standard, stand-alone apartment complex design and does not meet demonstrate sustainability through compact design. The applicant has proposed a 6’ wide decomposed granite pathway “fitness trail” which is essentially the sole method of integration and outdoor gathering area between the proposed multi-family parcel and the remainder of the overall 37 acre site. This is the feature that the applicant believes complies with the use permit findings of fact related to compact design and pedestrian scale and orientation. A*

*secondary decomposed granite pathway is shown on the use permit exhibits. The proposed parking for the apartment buildings does appear to comply with the parking requirements for multi-family residential uses under the LDC*

3. Pedestrian scale and orientation- the proposed project demonstrates that all portions of the development are accessible by a direct, convenient, and safe system of pedestrian facilities, and the proposal provides appropriately scaled pedestrian amenities and gathering places.

*Staff believes that the proposed development plan exhibits does not provide for or meet the intent of this design requirement. The proposed development plan essentially creates a stand-alone multi-family development, predominately isolated from the remainder of the overall Gilbert Town Center site. The applicant has proposed a 6' wide decomposed granite pathway in order to connect the municipal complex to the north between the Banner Health Center parcel and the proposed multi-family parcel as essentially the sole method of integration between the proposed multi-family parcel and the remainder of the overall 37 acre site.*

4. Transportation and connectivity- the proposed project demonstrates that the development provides appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles.

*The proposed project has not demonstrated appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles. Staff notes that when the 13 acre Banner Health Center site was rezoned in May of 2012 under Ordinance No. 2368, the original intent was for Banner in coordination with the proposed multi-family parcel/ southeast parcel (Parcel 2) to develop and improve a drive aisle between the two parcels and provide a secondary vehicular connection between Palm Street and Civic Center Drive. This was the reason for creating the Banner Health Center parcel shape as it is and the remaining southeast parcel (Parcel 2). The proposal under Z13-08 no longer provides for this access drive and staff believes this further detracts from the connectivity of the site as there will now be no north-south vehicular connection until such time as the northwestern (Parcel 1) develops, which will not help with the traffic impact of the proposed multi-family use on the southwest parcel (Parcel 2).*

## **PUBLIC NOTIFICATION AND INPUT**

A neighborhood meeting was held on November 8, 2012. Comments focused on including on-site outdoor recreational amenities for future apartment users and timing of construction of the site. The applicant has also met informally with the adjacent HOA and local residents prior to the September 3, 2014 Planning Commission hearing.

Staff has received one email of opposition from a surrounding neighbor on September 18, 2014 (Attachment 12), that is opposed to the proposed rezoning and use permit to allow a multi-family apartment complex on the subject site.

The applicant notes that representatives from the Banner Health Center are supportive of the request to eliminate the previously designed private access drive connecting Palm Street and

Civic Center Drive between the proposed apartment site and the Banner Health Center site in order to connect the municipal center to the north. The provided email notes that Banner is also supportive of a cross access easement from the Banner Health Center site to the northwest parcel (Parcel) as well as a pedestrian trail across the retention basin of the Banner Health Center site.

### **PLANNING COMMISSION JUNE 5, 2013 STUDY SESSION**

At the June 5, 2013 Planning Commission Study Session Z13-08 and UP13-04 were discussed and reviewed. Comments from the Planning Commission included that the original development plan for Gilbert Town Center was intended to have a live, work, play feel and design with retail and lofts above; Banner Health Center site wanted to be secure and limited the ability to integrate the site; if multi-family were a feasible use or the best use for the subject site; and that if multi-family were to be feasible for the subject site needed to be more integrated. (See Attachment 9)

### **PLANNING COMMISSION SEPTEMBER 3, 2014 PUBLIC HEARING**

At the September 3, 2014 meeting, the Planning Commission discussed UP13-04 during Study Session and reviewed Z13-08 during the regular meeting. Comments from the Planning Commission included that a multi-family use may be suitable on the subject site. However, concerns were raised that the proposed development plan and use permit exhibits under Z13-08 and UP13-04 are not designed nor do they provide an integrated mixed use development suitable for the subject site and that formal action on the design of the proposed development should be continued so the project may be redesigned in a manner that is more integrated (See Attachment 7). A brief summary of comments provided by the Planning Commission are noted below:

- Difficulty in seeing the good cause for the requested deviations of moving the buildings closer to the street. Deviations could be justified if there was a tangible benefit.
- The proposed fence around the property limits the connectivity of the site.
- The proposed design lacks connectivity, this is a major concern.
- Did not see an effort to provide horizontal or vertical connectivity, the design lacks structural integration such as unique parking design away from the street, increasing the density.
- Elements such as view fencing, placement of buildings and a fitness trail are not significant enough at this point to justify the proposed amendment.
- Concern was raised with the design of the commercial/ retail buildings and circulation of the northwest parcel as this had not been thoroughly discussed or evaluated.
- A multi-family use could be a suitable use for the subject site but it needs to be redesigned from what is proposed now to be more integrated and meet the findings of fact and design principles of integrated mixed-use developments.
- The real issue is site design and integration not use.

Staff notes that the applicant has not made substantive changes to the design of either Z13-08 or UP13-04, with the exception of the applicant noting they were looking into fencing changes along the site perimeter. Planning staff continues to not be supportive of the requests under Z13-08 and UP13-04.

## **STAFF RECOMMENDATION**

Move to make the Findings of Fact and Deny UP13-04 Gilbert Town Center Apartments: A request for a Conditional Use Permit to allow a Multi-Family Residential Use in the Regional Commercial (RC) zoning district with a Planned Area Development (PAD) overlay, on a 13.72 acres located south and east of the southeast corner of Gilbert Road and Warner Road.

Respectfully submitted,



Nathan Williams  
Planner II

### **Attachments:**

1. Notice of Public Hearing Map
2. Aerial Photo
3. Development Plan for Z13-08
4. UP13-04 Exhibits (11 pages)
5. Previous Development Plans and Exhibits under Z05-14 & UP05-12 (4 pages)
6. Planning Commission SS Minutes for Z13-08/ UP13-04 from June 5, 2013 (3 pages)
7. Planning Commission Meeting Minutes for UP13-04 from September 3, 2014 (8 pages)
8. Email Correspondence from Banner (4 pages)
9. Planning Commission for Z05-14 Minutes from October 5, 2005 (10 pages)
10. Email from surrounding property owner, dated September 18, 2014

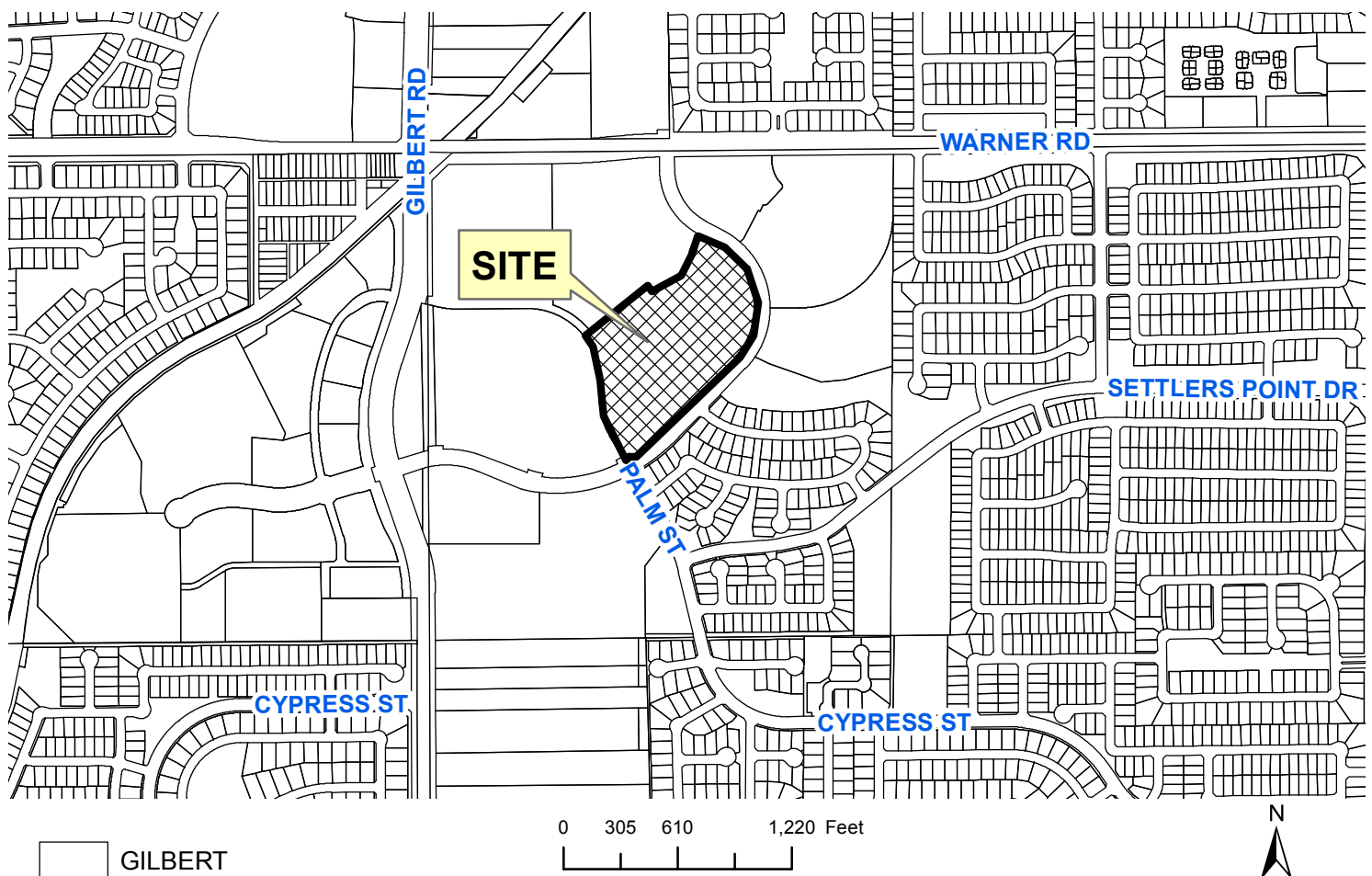
October 1, 2014

# Notice of Public Hearing

**PLANNING COMMISSION DATE:****Wednesday, October 1, 2014\* TIME: 6:00 PM****LOCATION: Gilbert Municipal Center, Council Chambers****50 E. Civic Center Drive****\* Call Planning Department to verify date and time: (480) 503-6700****REQUESTED ACTION:**

UP13-04: Gilbert Town Center Apartments: Request to approve a Conditional Use Permit for approximately 13 acres of real property located south and east of the southeast corner of Gilbert Road and Warner Road to allow a multi-family residential use in a mixed use Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district.

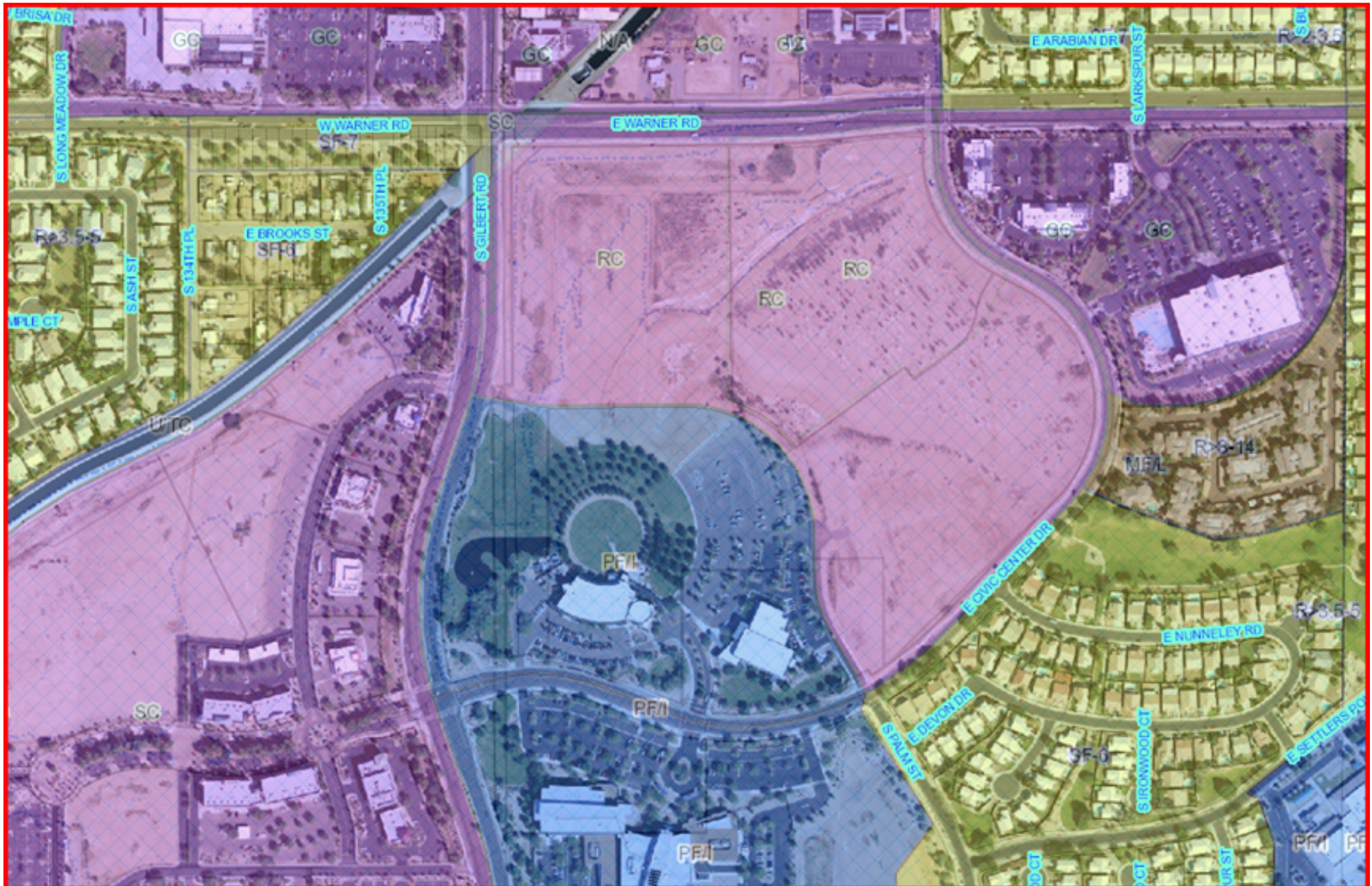
\* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available the Monday prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission>

**SITE LOCATION:**

**APPLICANT: Beus Gilbert PLLC**  
**CONTACT: Paul E Gilbert**  
**ADDRESS: 701 North 44th Street**  
**Phoenix, AZ 85008**

**TELEPHONE: (480) 429-3002**  
**E-MAIL: [pgilbert@beusgilbert.com](mailto:pgilbert@beusgilbert.com)**







## Gilbert Town Center PAD

Case: Z13-08

## Project Data

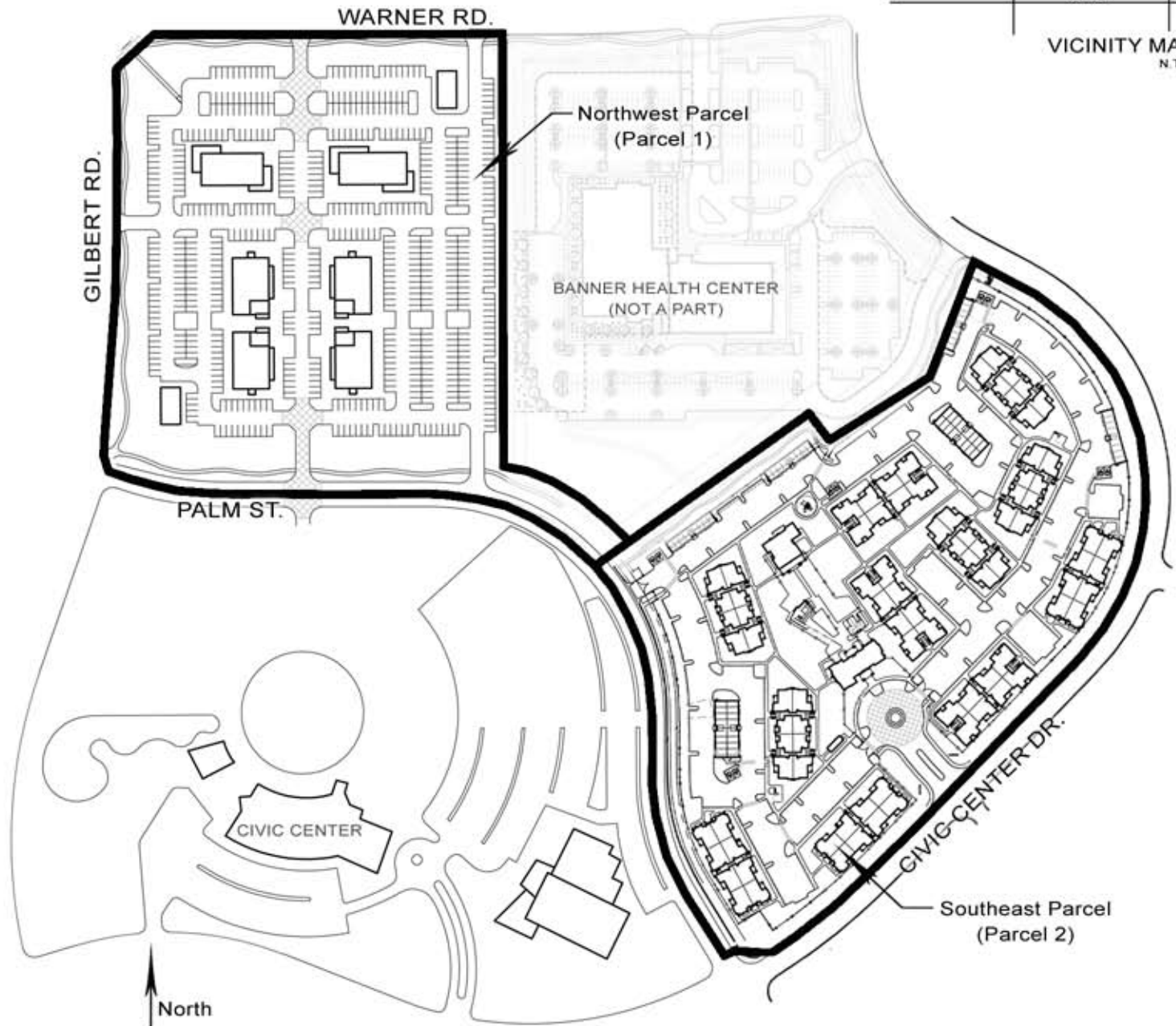
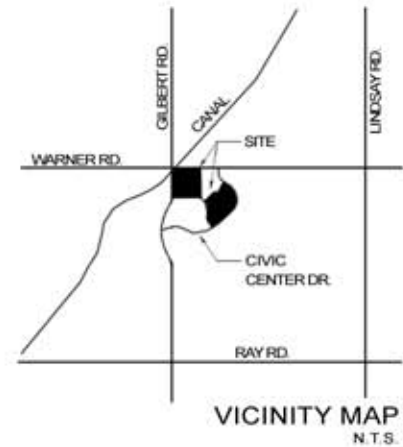
Northwest Parcel (Parcel 1): 11.58 Net Acres  
 Southeast Parcel (Parcel 2): 13.72 Net Acres

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Total Site Area: 25.30 Net Acres  
 General Plan Designation: RC  
 Current Zoning: RC w/ PAD Overlay  
 Proposed Zoning: RC w/PAD Overlay (Amended)

## Property Owner

AZ Gilbert Holdings LLC/  
 Lehman Brothers Holdings, Inc.  
 3224 Peachtree Road, Suite 2200  
 Atlanta, GA 30326-1156  
 Contact: Christopher Bley  
 Phone: 310-500-3534



## PAD Table

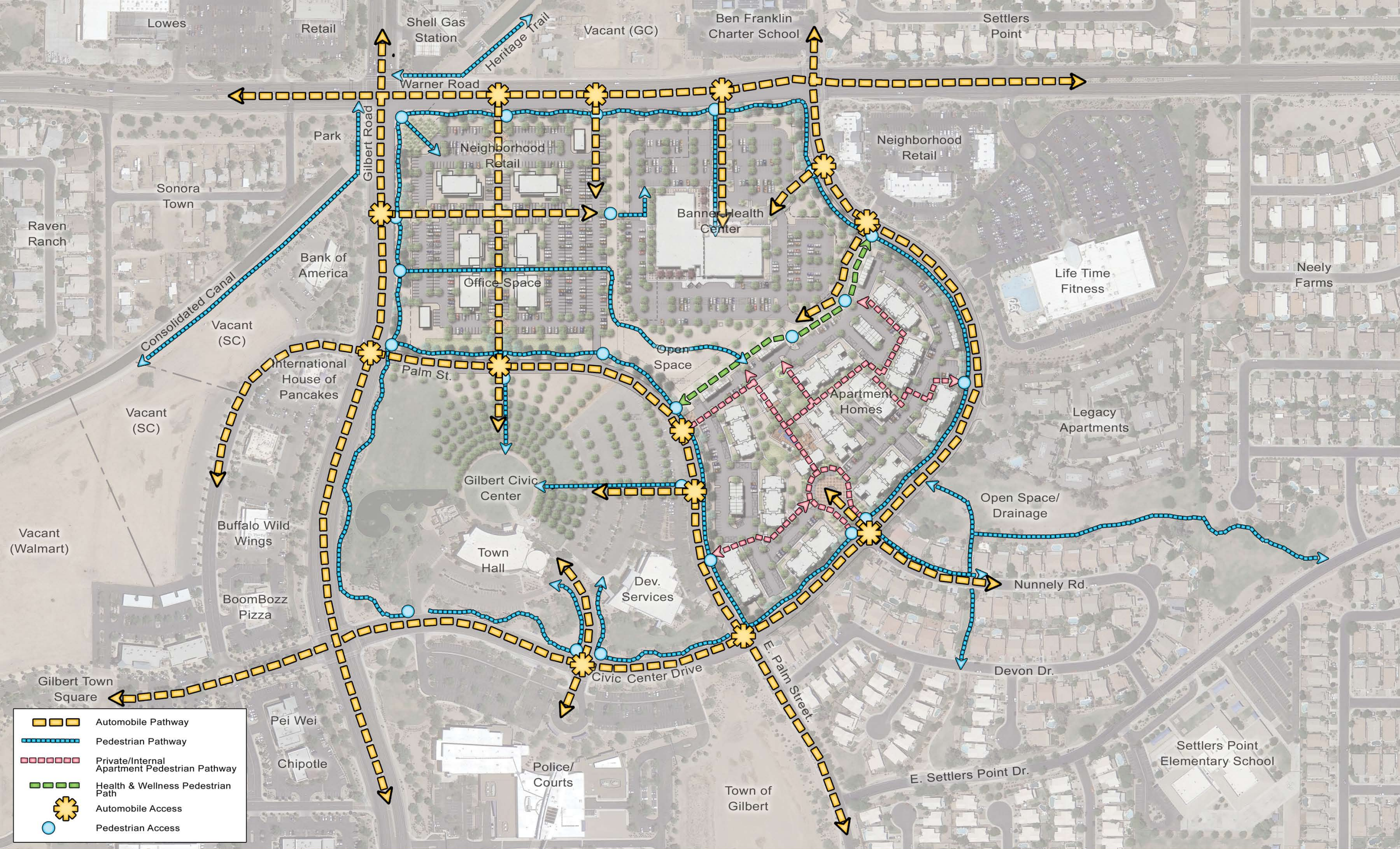
Northwest Parcel (Parcel 1) - Development Standards: RC (Per LDC with <u>no</u> PAD modifications.)		
Southeast Parcel (Parcel 2) - Development Standards: RC (Per LDC with the following PAD modifications.)		
1. No Building Step-back		
2. Building/Landscape Setbacks:		
Front (Civic Center)	Proposed Bldg. 10'	Proposed Landscape* 20'
Rear (Banner)	20'	20'
Side (Palm Street)	10'	20'

\*Except where there are buildings then per proposed bldg. setback.

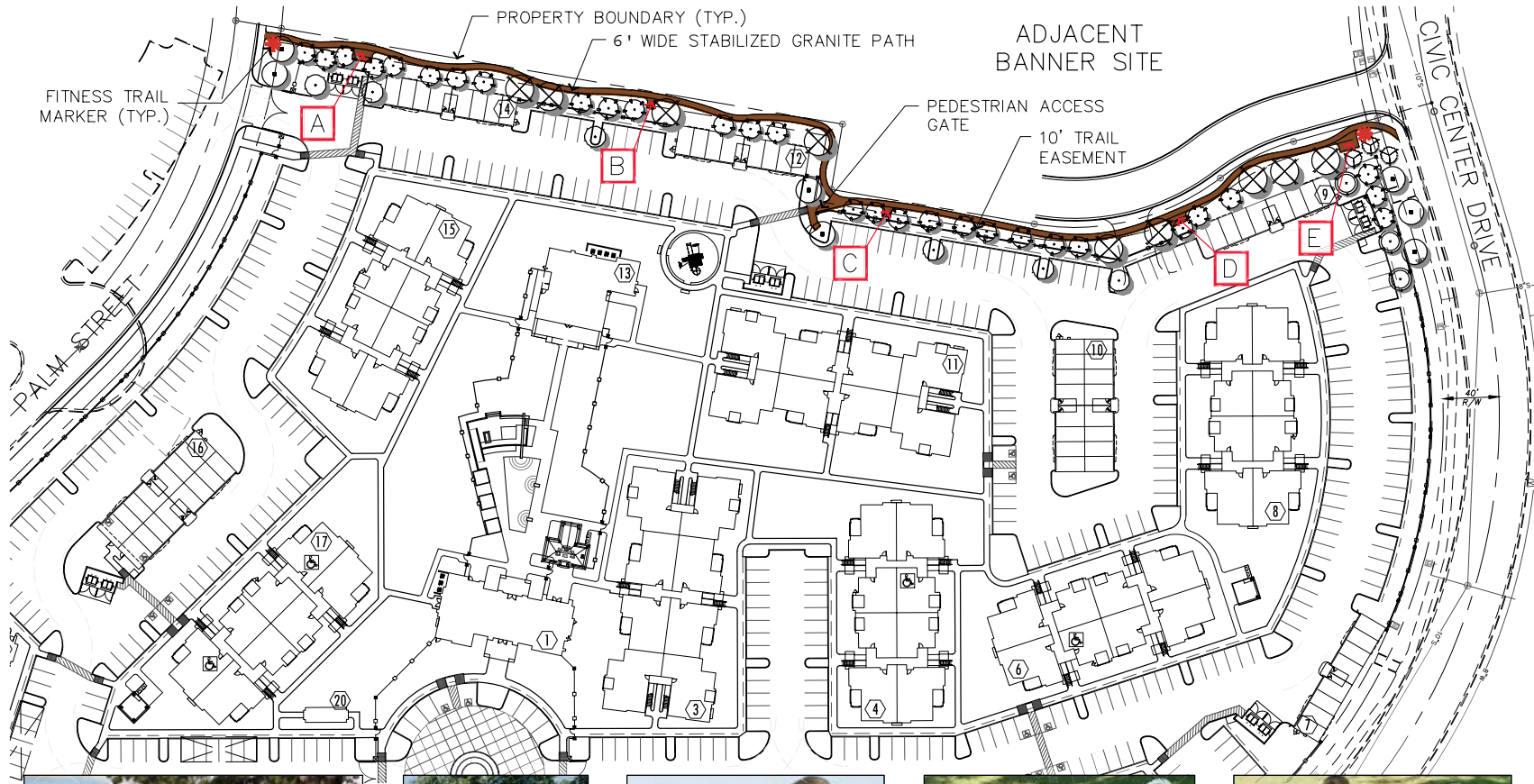




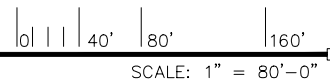








## CIVIC CENTER FITNESS TRAIL



**GILBERT  
CIVIC CENTER**  
GILBERT, ARIZONA

Office of Rich Barber  
**ORB**  
Architecture, LLC

**ALLIANCE**  
RESIDENTIAL COMPANY

COLLABORATIVE V  
DESIGN STUDIO INC.  
7116 EAST 1ST AVE.  
SUITE 103  
SCOTTSDALE, ARIZONA  
85251  
OFFICE: 480-347-0590  
FAX: 480-656-6012

DATE: JUNE 27, 2014

**CONCEPT**

CIVIC CENTER TRAIL PLAN  
PRELIMINARY





BLDG TYPE 1



CORNICE TREATMENT



STREET ACCESS



FRONTYARD ENTRIES



COLOR VARIETY



PARAPET WALLS



FRONTYARD GATE



ENTRY ACCENTS



METAL TRIM



BLDG TYPE 2

# GILBERT CIVIC CENTER

GILBERT, ARIZONA

Office of Rich Barber  
ORB  
Architecture, LLC

WorldHQ@ORBArch.com



ALLIANCE  
RESIDENTIAL COMPANY

## REVISIONS

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DATE: JUNE 27, 2014 ORB # 13-206

INTEGRATION  
ELEMENTS

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







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# GILBERT CIVIC CENTER PLANT LEGEND

BOTANICAL NAME	COMMON NAME		
TREES		SHRUBS	
 Acacia anura	Mulga	 Bougainvillea x hybrid 'Alexandra'	Alexandra Bougainvillea
 *Acacia salicina 'Doris D'	Weeping Acacia	 Bougainvillea x hybrid 'Torch Glow'	Torch Glow Bougainvillea
 Caesalpinia gilliesii	Yellow Bird of Paradise	 Caesalpinia mexicana	Yellow Bird of Paradise
 Ebenopsis ebano	Texas Ebony	 Dodonaea viscosa	Hopseed Bush
 Phoenix dactylifera	Date Palm	 Dodonaea viscosa 'Purpurea'	Purple Hopseed Bush
 Olneya tesota	Desert Ironwood	 Hamelia patens	Firecracker Plant
 *Prosopis x 'Rio Salado'	Rio Salado Mesquite	 *Eremophila hygrophana 'Blue Bells'	Blue Bells
 *Quercus virginiana 'Heritage'	Southern Live Oak	 *Leucophyllum frutescens 'Green Cloud'	Green Cloud Ranger
 *Parkesonia hybrid 'Desert Museum'	Desert Museum	 Nerium oleander 'Compacta'	Little Red Oleander
 Prunus cerasifera	Purple Leaf Plum	 Ruellia peninsularis	Baja Ruellia
 *Ulmus parvifolia	Evergreen Elm	 *Tecoma hybrid 'Bells of Fire'	Bells of Fire
 Washingtonia x 'Filibusta'	Hybrid Fan Palm	 *Tecoma hybrid 'Orange Jubilee'	Orange Jubilee
ACCENTS/VINES		GROUND COVERS	
 Aloe x 'Topaz'	Topaz Aloe	 *Lantana hybrid 'Dallas Red'	Dallas Red Lantana
 *Agave weberi	Weber's Agave	 *Lantana hybrid 'New Gold'	New Gold Lantana
 Dasylirion texanum	Green Desert Spoon	 *Lantana montevidensis	Purple Trailing Lantana
 Echinocactus grusonii	Golden Barrel Cactus	 Penstemon baccharifolius	Evergreen Penstemon
 *Hesperaloe parviflora	Red Yucca	 Lonicera japonica 'Halliana'	Hall's Honeysuckle
 *Hesperaloe parviflora 'Perpa'	Brakelights Red Yucca	 *Rosmarinus officinalis 'Pyramidalis'	Upright Rosemary
 *Hesperaloe funifera	Giant Hesperaloe	 Teucrium chamaedrys	Germander
 *Muhlenbergia capillaris 'Regal Mist'	Regal Mist	 Wedelia trilobata	Wedelia
 Phoenix roebelenii	Pigmy Date Palm	Seasonal Annuals	Seasonal Annuals

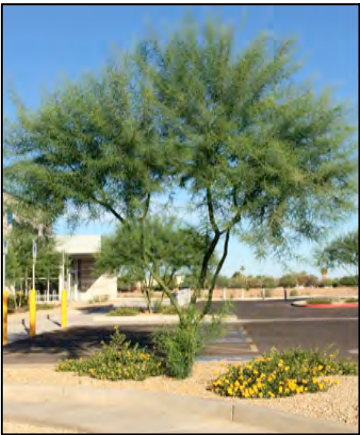
\*INDICATES PLANTS USED AT ADJACENT BANNER HEALTH SITE (INCLUDING HYBRID VARIETIES AND SPECIES WITH SAME GENUS)



MESQUITE AS PERIMETER TREE AT BANNER HEALTH



LIVE OAK AS PARKING LOT TREE AT BANNER HEALTH



DESERT MUSEUM PALO VERDE AT BANNER HEALTH



DESERT MUSEUM PALO VERDES AND MESQUITE AT ENTRY TO BANNER HEALTH



WILLOW ACACIA AT BANNER HEALTH

GILBERT CIVIC CENTER  
GILBERT, ARIZONA

Office of Rich Barber  
ORB  
Architecture

ALLIANCE  
RESIDENTIAL COMPANY

COLLABORATIVE V  
DESIGN STUDIO INC.  
7116 EAST 1ST AVE.,  
SUITE 103  
SCOTTSDALE, ARIZONA  
85251  
OFFICE: 480-347-0590  
FAX: 480-656-6012



DATE: JUNE 27, 2014

CONCEPT

LANDSCAPE INTEGRATION PLAN  
PRELIMINARY

LANDSCAPE INTEGRATION PLAN







Proposed Development Master Plan



Gilbert Town Center Plan Comparison

	SITE PLAN ORD 1689		TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
Site Area							
Gross Area	1,743,128 Square Feet	40.02 Acres					
Net Area	1,614,711 Square Feet	37.07 Acres	1,592,609 Square Feet	504,308 Square Feet	512,514 Square Feet	575,787 Square Feet	
Planning & Zoning							
Current Zoning	RC PAD		RC PAD	RC PAD	RC	RC PAD	
Proposed Zoning	RC PAD		RC PAD	RC PAD	Not a Part	RC PAD	
Current General Plan	RC		RC	RC	RC	RC	
Proposed General Plan	RC		RC	RC	RC	RC	
Development Standards							
Building Setbacks Required							
Front	25 Feet		25 Feet	25 Feet	25 Feet	10 Feet	(Civic Ctr Drive)
Rear	15 Feet		15 Feet	15 Feet	15 Feet	20 feet	(Banner)
Sides	20 Feet		20 Feet	20 Feet	20 Feet	10 Feet	(Palm Street)
Landscape Setbacks Required							
Front	25 Feet		25 Feet	25 Feet	25 Feet	20 Feet	(Civic Ctr Drive*)
Rear	15 Feet		15 Feet	15 Feet	15 Feet	20 Feet	(Banner)
Sides	20 Feet		20 Feet	20 Feet	20 Feet	20 Feet	(Palm Street*) * Except Buildings
Building Height							
Maximum By Code	35 Feet/2 Story		35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	
Proposed Buildings	65 Feet/5 Story		Varies	35 Feet/2 Story		33 Feet / 3 Story	
Commercial Uses							
Commercial Area	146,600 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Offices	32,400 Square Feet	120 Units	NA	NA	NA	NA	
Total Commercial	179,000 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Uses							
Units	1,206 Units		256 Units	NA	NA	256 Units	
Square Footage	799,104 Square Feet	662.61	270,594 Square Feet	NA	NA	270,594 Square Feet	
Building Area Summary							
Total Residential & Commercial	978,104 Square Feet		445,304 Square Feet	87,300 Square Feet	87,410 Square Feet	270,594 Square Feet	
Residential Density	32.53 DU/Acre		7.00 DU/Acre	0.00 DU/Acre	0.00 DU/Acre	19.37 DU/Acre	
Commercial Density (FAR - Net)	11.09%		10.97%	17.31%	17.06%		
Building Coverage							
Maximum	50%			50%	50%	50%	
Percentage Proposed	28%			17%	17%	29%	
Landscape/Open Space							
Required	15%		15%	15%	15%	15%	
Provided	52%			40%	40%	43%	
Parking							
Residential	1,778		511	NA	NA	511	
Commercial	807		961	480	481	NA	
Total	2,585		1472	480	481	511	



Gilbert Town Center Plan Comparison

	SITE PLAN ORD 1689		TOTAL MASTERPLAN	Parcel 1 - Retail/Office	Parcel 2 - Banner Health (NOT A PART OF ZONING)	Parcel 3 - Luxury Apartment Homes	
Site Area							
Gross Area	1,743,128 Square Feet	40.02 Acres	1,592,609 Square Feet	504,308 Square Feet	512,514 Square Feet	575,787 Square Feet	
Net Area	1,614,711 Square Feet	37.07 Acres					
Planning & Zoning							
Current Zoning	RC PAD		RC PAD	RC PAD	RC	RC PAD	
Proposed Zoning	RC PAD		RC PAD	RC PAD	Not a Part	RC PAD	
Current General Plan	RC		RC	RC	RC	RC	
Proposed General Plan	RC		RC	RC	RC	RC	
Development Standards							
Building Setbacks Required							
Front	25 Feet		25 Feet	25 Feet	25 Feet	10 Feet	(Civic Ctr Drive)
Rear	15 Feet		15 Feet	15 Feet	15 Feet	20 feet	(Banner)
Sides	20 Feet		20 Feet	20 Feet	20 Feet	10 Feet	(Palm Street)
Landscape Setbacks Required							
Front	25 Feet		25 Feet	25 Feet	25 Feet	20 Feet	(Civic Ctr Drive*)
Rear	15 Feet		15 Feet	15 Feet	15 Feet	20 Feet	(Banner)
Sides	20 Feet		20 Feet	20 Feet	20 Feet	20 Feet	(Palm Street*)
							* Except Buildings
Building Height							
Maximum By Code	35 Feet/2 Story		35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	35 Feet/2 Story	
Proposed Buildings	65 Feet/5 Story		Varies	35 Feet/2 Story		33 Feet / 3 Story	
Commercial Uses							
Commercial Area	146,600 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Offices	32,400 Square Feet	120 Units	NA	NA	NA	NA	
Total Commercial	179,000 Square Feet		174,710 Square Feet	87,300 Square Feet	87,410 Square Feet	NA	
Residential Uses							
Units	1,206 Units		256 Units	NA	NA	256 Units	
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Commercial Density (FAR - Net)	11.09%		10.97%	17.31%	17.06%		
Building Coverage							
Maximum	50%			50%	50%	50%	
Percentage Proposed	28%			17%	17%	29%	
Landscape/Open Space							
Required	15%		15%	15%	15%	15%	
Provided	52%			40%	40%	43%	
Parking							
Residential	1,778		511	NA	NA	511	
Commercial	807		961	480	481	NA	
Total	2,585		1472	480	481	511	







# SITE PLAN NOTES

- ALL UTILITY LINES LESS THAN 8" ON OR CONTIGUOUS TO THE SITE SHALL BE INSTALLED OR RELOCATED UNDERGROUND.
- ALL TRASH ENCLOSURES SHALL INCLUDE FULLY OPERABLE SCREENING GATES. ENCLOSED AREAS SHALL BE MAINTAINED IN A MANNER THAT SCREENING GATES SHALL NOT OPEN INTO VEHICULAR DRIVE ALLEYS. TRASH ENCLOSURES ARE NOT REQUIRED IN INDUSTRIAL DISTRICTS IF LOCATED INSIDE AN ENCLOSED YARD WHICH IS SCREENED BY A PERIMETER WALL AT LEAST 6 FEET IN HEIGHT.
- ALL OUTDOOR STORAGE AREAS FOR STORAGE OF MATERIALS AND EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW BY AN 8' SOLID MASONRY WALL. INDUSTRIAL STORAGE SCREEN WALLS SHALL BE FINISHED WHERE THEY ARE EXPOSED TO PUBLIC VIEW FROM STREETS OR ADJACENT NON-INDUSTRIAL USES.
- S.E.S. PANELS AND ANY OTHER ABOVE GROUND UTILITY CABINET SHALL BE FULLY SCREENED FROM VIEW FROM STREETS OR FROM AREAS ACCESSIBLE TO CUSTOMERS AND THE GENERAL PUBLIC. SCREENING MAY BE ACCOMPLISHED BY ANY OF THE FOLLOWING METHODS:
  - FULLY RECESSED THE CABINET INTO THE BUILDING AND ENCLOSING IT BY A SOLID DOOR OR DOORS SEPARATE FROM THE CABINET.
  - SCREENING WITH A DECORATIVE MASONRY WALL OF THE SAME HEIGHT AS THE PANEL. THE SCREEN WALL MAY BE L-SHAPED, U-SHAPED, OR A STRAIGHT WALL PARALLEL TO THE CABINET, DEPENDING ON THE LOCATION OF THE CABINET.
  - AN ALTERNATIVE SCREENING METHOD APPROVED BY THE PLANNING DEPARTMENT PRIOR TO ISSUANCE OF ANY PERMITS.
- THE LOCATION OF ALL ELECTRICAL UTILITY EQUIPMENT SHALL BE IDENTIFIED ON THE CONSTRUCTION PLANS.
- ROOF-MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED BY OTHER ONE OF THE FOLLOWING METHODS:
  - THE PARAPET WALL OF THE BUILDING SHALL EQUAL OR EXCEED THE HEIGHT OF THE MECHANICAL UNITS, OR
  - BY LOCATING THE MECHANICAL EQUIPMENT BEHIND THE ROOF PLACES IN THE CASE OF MANSARD, HIP OR OTHER THAN FLAT ROOF.
- ROOF-MOUNTED MECHANICAL EQUIPMENT ENCLOSURES OR EQUIPMENT SCREEN WALLS SHALL NOT PROJECT ABOVE THE ROOF PARAPET TO THE EXTENT PERMITTED BY LAW. SATTELITE DISHES SHALL BE FULLY SCREENED BY A PARAPET WALL.
- GROUND-MOUNTED MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM VIEW FROM STREETS OR SURROUNDING COMMERCIAL USES BY A COMBINATION OF DECORATIVE WALLS AND AN EVERGREEN VEGETATIVE HEDGE EQUAL TO OR EXCEEDING THE HEIGHT OF THE EQUIPMENT.
- PNEUMATIC TUBES, WHETHER METAL OR PLASTIC, SHALL BE EITHER:
  - ENCLOSED IN PLASTICS, COLUMNS OR OTHER ARCHITECTURAL FEATURES OF THE CANOPY OR BUILDING, OR
  - ROUTED UNDERGROUND.
- ALL BROUFLON PREVENTION DEVICES LARGER THAN 2" SHALL BE SCREENED WITH LANDSCAPE LOCATED WITHIN A 6' RADIUS OF THE DEVICE. ALL BROUFLON PREVENTERS 2" OR SMALLER SHALL BE PLACED IN A LOCKED WIRE MESH GATE PAINTED TO MATCH THE PRIMARY BUILDING COLOR.
- ALL PRESTANDING LIGHT POLES SHALL:
  - BE LOCATED WITHIN LANDSCAPED AREAS OR PLANTER ISLANDS.
  - HAVE CONCRETE BASES PAINTED TO MATCH THE PRIMARY BUILDING COLOR, OR FINISHED TO MATCH PARKING SCREEN WALLS. CONCRETE BASES FOR LIGHT POLES SHALL NOT EXCEED A HEIGHT OF 30" FROM ADJACENT GRADE.
  - BE LOCATED TO AVOID CONFLICT WITH TREES.
- LANDSCAPING SHALL COMPLY WITH THE LIGHT AND CLIMATE CRITERIA SET FORTH IN SECTION 4.03.3 OF THE LDC, INCLUDING A MAXIMUM PRESTANDING LIGHT FIXTURE HEIGHT OF 25'.
- LANDSCAPED AREAS ADJACENT TO PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED AND NATURALLY CONTAINED. NO MORE THAN 50% OF THE REQUIRED RIGHT-OF-WAY AND LANDSCAPING TRACTS) LANDSCAPING FRONTING ADJACENT STREET MAY BE USED FOR EXTERIOR VENTILATION AREA. SLOPES SHALL BE VARYED, AND NO SLOPE SHALL EXCEED A 4:1 MAXIMUM.
- LANDSCAPING SHALL BE MAINTAINED. INDUSTRIAL BUILDINGS MAY USE EXPOSED DOWNPOUTS IF ANTICIPATED WITH THE ARCHITECTURE OF THE BUILDING AND BUILT WITH A DURABLE MATERIAL, SUCH AS STEEL.
- COMMERCIAL DEVELOPMENT VEHICULAR ACCESS POINTS AND PEDESTRIAN ACCESS WAYS SHALL INCLUDE SPECIAL PAINTING. TREATMENT SUCH AS INTEGRAL COLORED STAMPED CONCRETE, STAINING, OR GRASS ALTERNATE. LOCATION AND MATERIALS SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- CUSTOMER, EMPLOYEE AND VISITOR PARKING SHALL BE SCREENED FROM STREET VIEW BY LOW MASONRY WALLS. THE PARKING SCREEN WALLS SHALL BE FINISHED ON BOTH SIDES USING THE SAME MATERIALS AND COLORS, AND A DESIGN TO COMPLEMENT THAT OF THE BUILDING.
- ALL EXTERIOR METAL SHALL BE FINISHED OR PAINTED TO MATCH THE APPROVED FINISH COLORS.
- EXISTING ON-SITE PLANT MATERIAL DAMAGED DURING CONSTRUCTION SHALL BE REPLACED WITH COMPARABLE SPECIES AND SIZE.

## KEYNOTES

- 9'-10" PARKING SPACE WITH 2.5' OVERHANG, TYPICAL.
- REFUSE ENCLOSURE WITH 6" MASONRY WALL WITH STUCCO FINISH, BOTH SIDES PAINTED TO MATCH BUILDINGS.
- 5'x7' PAD FOR RECYCLE TRASH.
- 17'x10' ACCESSIBLE PARKING SPACE WITH 2.5' OVERHANG.
- INDICATES FIRE TRUCK TURNING RADIUS 35'/45'/55' MIN.
- 4' SIDEWALK, TYPICAL AT SITE INTERIOR.
- 6.5' SIDEWALK, TYPICAL AT PARKING.
- 6' SIDEWALK AT MAIN ENTRY CONNECTING TO EXISTING SIDEWALK ON CIVIC CENTER DRIVE.
- NEW 5' SIDEWALK AT PALM STREET TO MATCH EXISTING.
- ACCESSIBLE CURB RAMP.
- PEDESTRIAN CROSSING MARKING.
- ENHANCED PARKING AT MAIN ENTRY.
- EXISTING CURB.
- ELECTRONIC VEHICULAR GATE TO BE EQUIP WITH THE DEPARTMENT REQUIREMENTS FOR EQUIP WITH CALL BOX AND DIRECTORY.
- 6" PERIMETER NEW FENCE.
- 6" COMBINATION CMU AND NEW FENCE PERIMETER WALL AT PARKING.
- PEDESTRIAN GATE.
- POOL FENCE.
- POOL GATE.
- INDICATES LOCATION OF CARPORT STRUCTURE.
- 14'-4"x20' ACCESSIBLE PARKING GARAGE.
- CONTINUE PALM STREET CURBING AND ASPHALT TO MATCH EXISTING.
- 5.5'x6' LOCATED AT EACH BUILDING ENDS INSIDE ENCLOSED CLOSET WITH DOUBLE DOORS.
- EXISTING FIRE HYDRANT.
- PROJECT SIGN.
- FUTURE PRIVATE DRIVE.
- POSSIBLE FUTURE CONNECTION TO PRIVATE DRIVE.
- 6' PEDESTRIAN ACCESSIBLE PATH.

## LEGEND

- DENOTES PROPERTY LINE
- NO. OF PARKING SPACES
- NO. OF COVERED SPACES
- DENOTES ACCESSIBLE PARKING AND ANSI TYPE 'A' DWELLING UNIT
- BUILDING NUMBER
- TYPE 2 BUILDING TYPE
- DENOTES ACCESSIBLE ROUTE
- NEW FIRE HYDRANT
- TRANSFORMER LOCATION

# DEVELOPMENT DATA

<b>LOT AREA:</b>			
GROSS AREA	15,208 ACRES	665,711 SF	
NET AREA	13,212 ACRES	575,787 SF	
<b>ZONING:</b>			
EXISTING ZONING	RC PAD		
<b>BLDG HEIGHT:</b>			
PROPOSED HEIGHT	24/33 FT.		
<b>UNIT MIX:</b>			
CARRIAGE (1 BED)		# OF UNITS	
ONE BEDROOM	60		
TWO BEDROOM	156		
THREE	24		
TOTAL	256 UNITS		

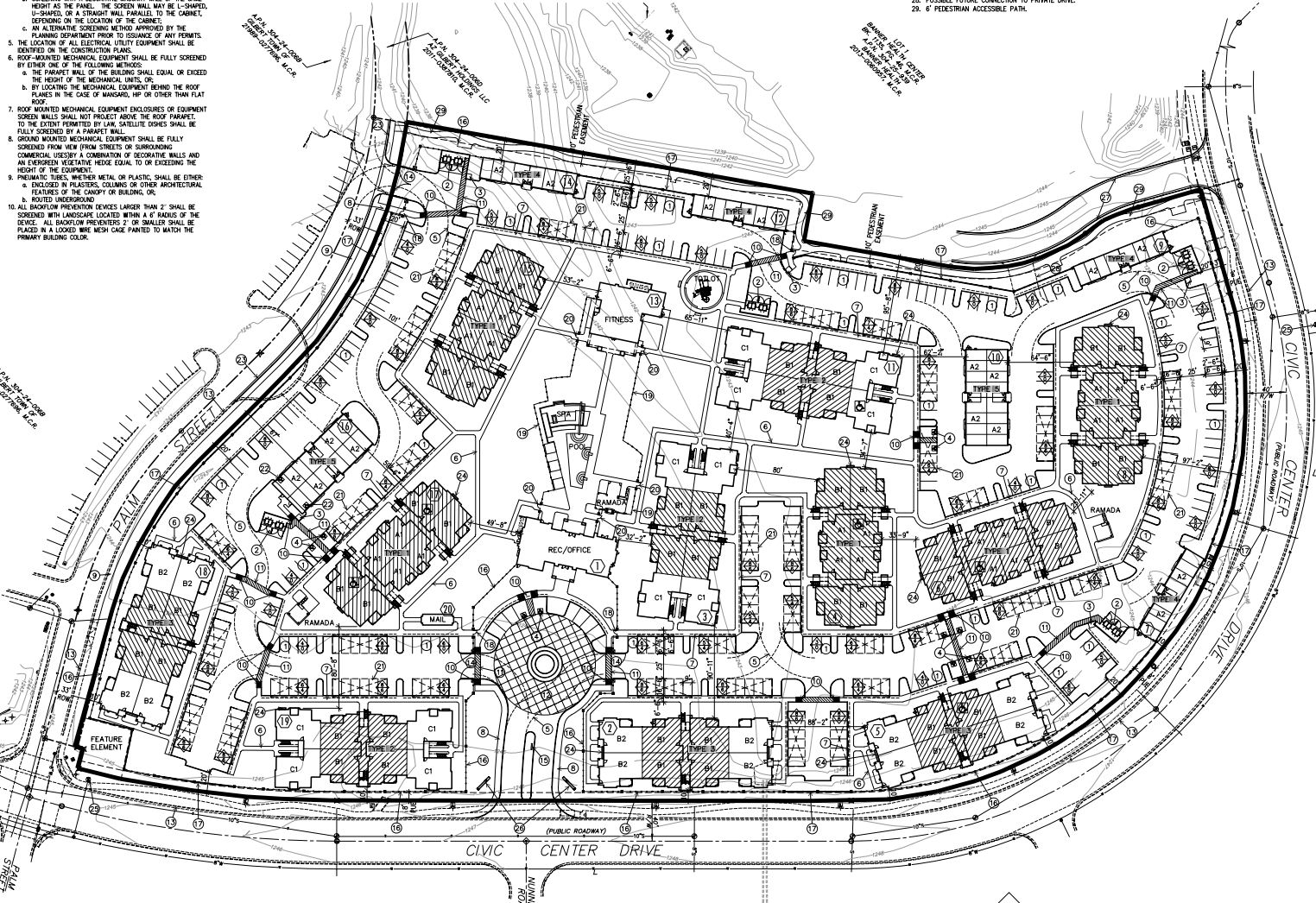
<b>UNIT DENSITY:</b>			
PROPOSED:	19.37 DU PER ACRE		
<b>PARKING:</b>			
<b>REQUIRED:</b>			
(1 PER 1 BED)	76 x 1 = 76		
(2 PER 2 BED OR MORE)	180 x 2 = 360		
(0.25 PER DU GUEST)	256 x 0.25 = 64		
TOTAL	500 P.S.		
+ 1 SPACE PER UNIT REQUIRED TO BE COVERED.			
+ 25% OF COVERED SPACES REQUIRED TO BE ENCLOSED.			
<b>PROVIDED:</b>			
OPEN PARKING (9'x19')	255		
CARPORT PARKING (9'x19')	192 (COVERED)		
GARAGE PARKING (10'-4"x20')	64 (ENCLOSED)		
TOTAL PROVIDED	511 P.S.		
TOTAL COVERED PROVIDED	256 P.S.		
<b>PARKING RATIO:</b>			
PROVIDED/UNIT COUNT	511/256 = 1.99		
<b>ACCESSIBLE PARKING:</b>			
REQUIRED (2%)	11 P.S.		
<b>PROVIDED:</b>			
OPEN PARKING	6		
CARPORT PARKING	4 (COVERED)		
GARAGE PARKING	2 (COVERED)		
TOTAL	12 P.S.		

<b>SETBACKS:</b>			
BUILDING SETBACKS:	REQUIRED	PROVIDED	PROVIDED
FRONT (CIVIC CENTER)	25'	10'	20'
REAR (BANNER)	15'	10'	20'
SIDE (PALM ST.)	20'	10'	20'
* EXCEPT BUILDINGS			
<b>LANDSCAPE/OPEN SPACE:</b>			
ALLOWED:	50%		
PROVIDED:	28.62% (171,078 SF)		
<b>LANDSCAPE/OPEN SPACE:</b>			
REQUIRED:	15%		
PROVIDED:	43.92% (262,525 SF)		
<b>GROSS BUILDING AREA:</b>			
PROVIDED:			
TOTAL GROSS BUILDING AREA	270,694 SF		
FAR (NET)	45.28 %		

**GILBERT CIVIC CENTER**  
GILBERT, ARIZONA

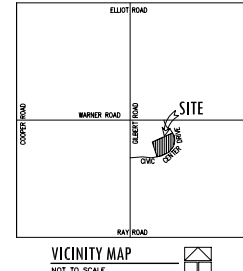
Office of Rich Barber  
**ORB**  
Architecture, PLLC  
WorldHQ@ORBArch.com

**PRELIMINARY NOT FOR CONSTRUCTION**  
**ALLIANCE RESIDENTIAL COMPANY**



PRELIMINARY SITE PLAN

SCALE: 1" = 50'-0"



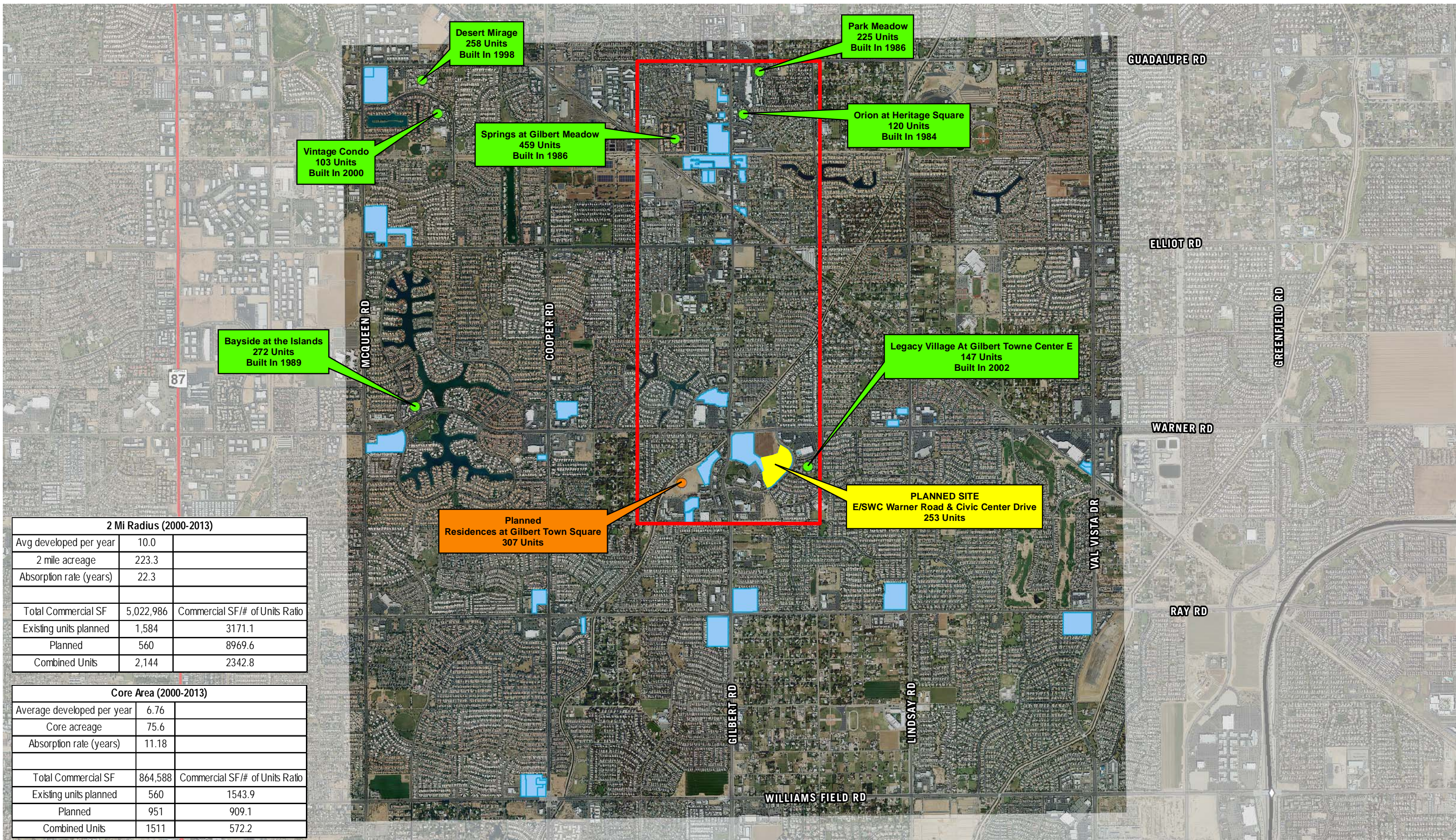
<b>REVISIONS</b>	
1	
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DATE: AUGUST 6, 2014 ORB # 13-204

**A1.10**

SITE PLAN  
PRELIMINARY

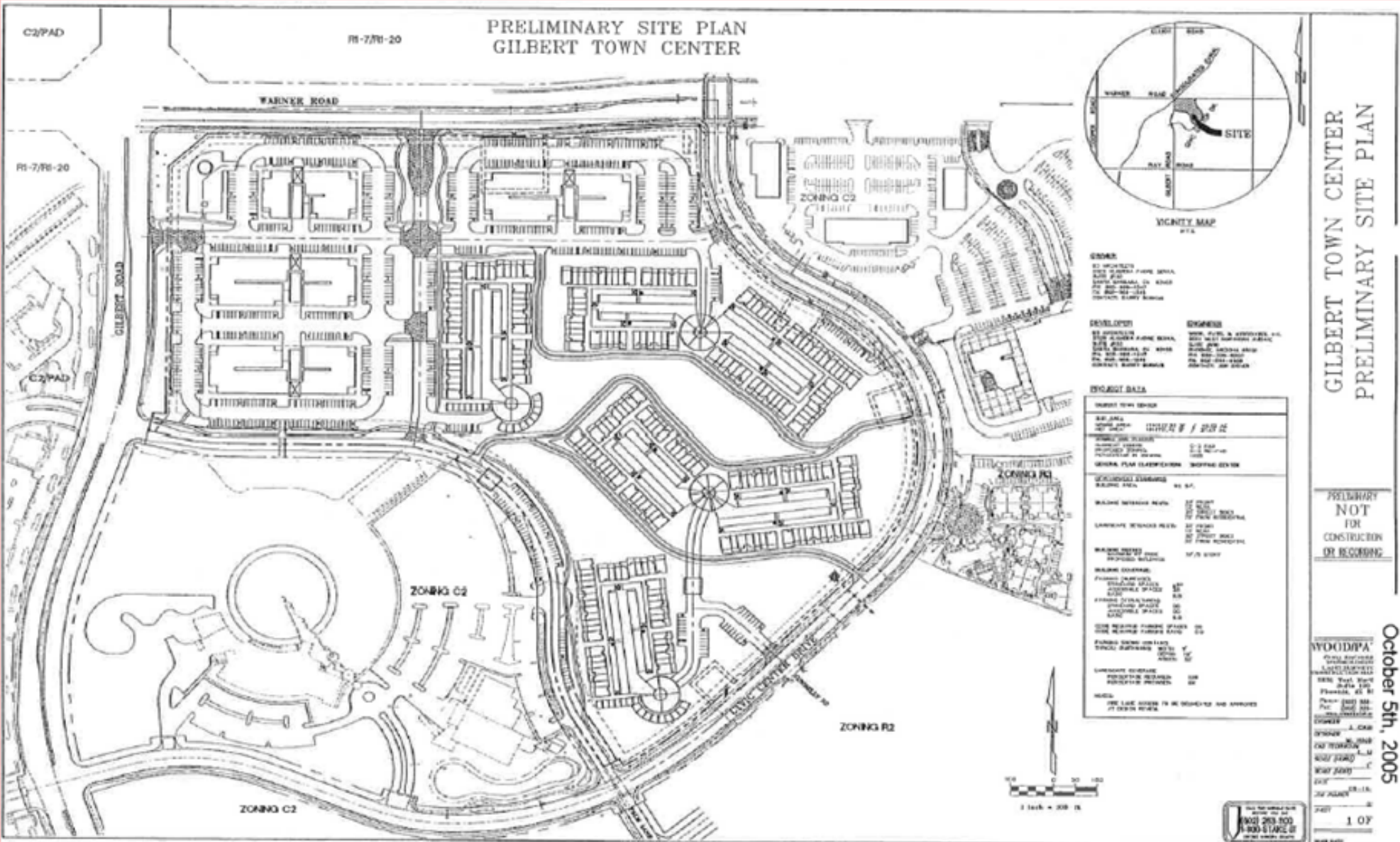




2 Mi Radius (2000-2013)		
Avg developed per year	10.0	
2 mile acreage	223.3	
Absorption rate (years)	22.3	
Total Commercial SF	5,022,986	Commercial SF/# of Units Ratio
Existing units planned	1,584	3171.1
Planned	560	8969.6
Combined Units	2,144	2342.8

Core Area (2000-2013)		
Average developed per year	6.76	
Core acreage	75.6	
Absorption rate (years)	11.18	
Total Commercial SF	864,588	Commercial SF/# of Units Ratio
Existing units planned	560	1543.9
Planned	951	909.1
Combined Units	1511	572.2







- 1 Great Fountain and Plaza
- 2 Sculpture
- 3 Overhead Gateway
- 4 Auto Plaza and Center Piece
- 5 Entry Monument
- 6 Stair Connection from Amphitheatre
- 7 Civic Plaza
- 8 Bridge
- 9 Great Lawn
- 10 Cedar Hill
- 11 Pond
- 12 South Meadow
- 13 Twin Pond
- 14 Connection from Park
- 15 Great Hill
- 16 North Lake
- 17 Pavillion
- 18 Palm Canyon
- 19 Bosque of Palms and Oaks
- 20 Long Meadow
- 21 Parking
- 22 Seating/BBQ Areas
- 23 20' Wide Street



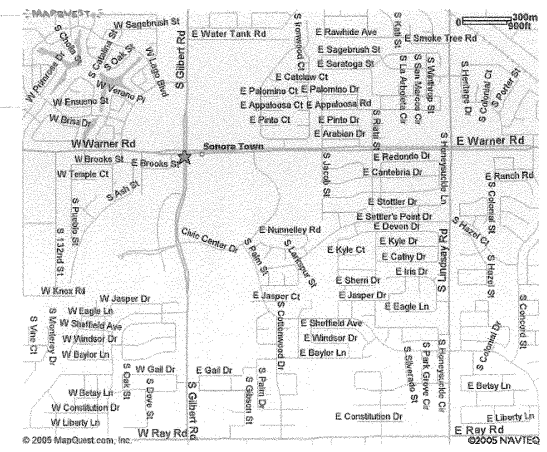
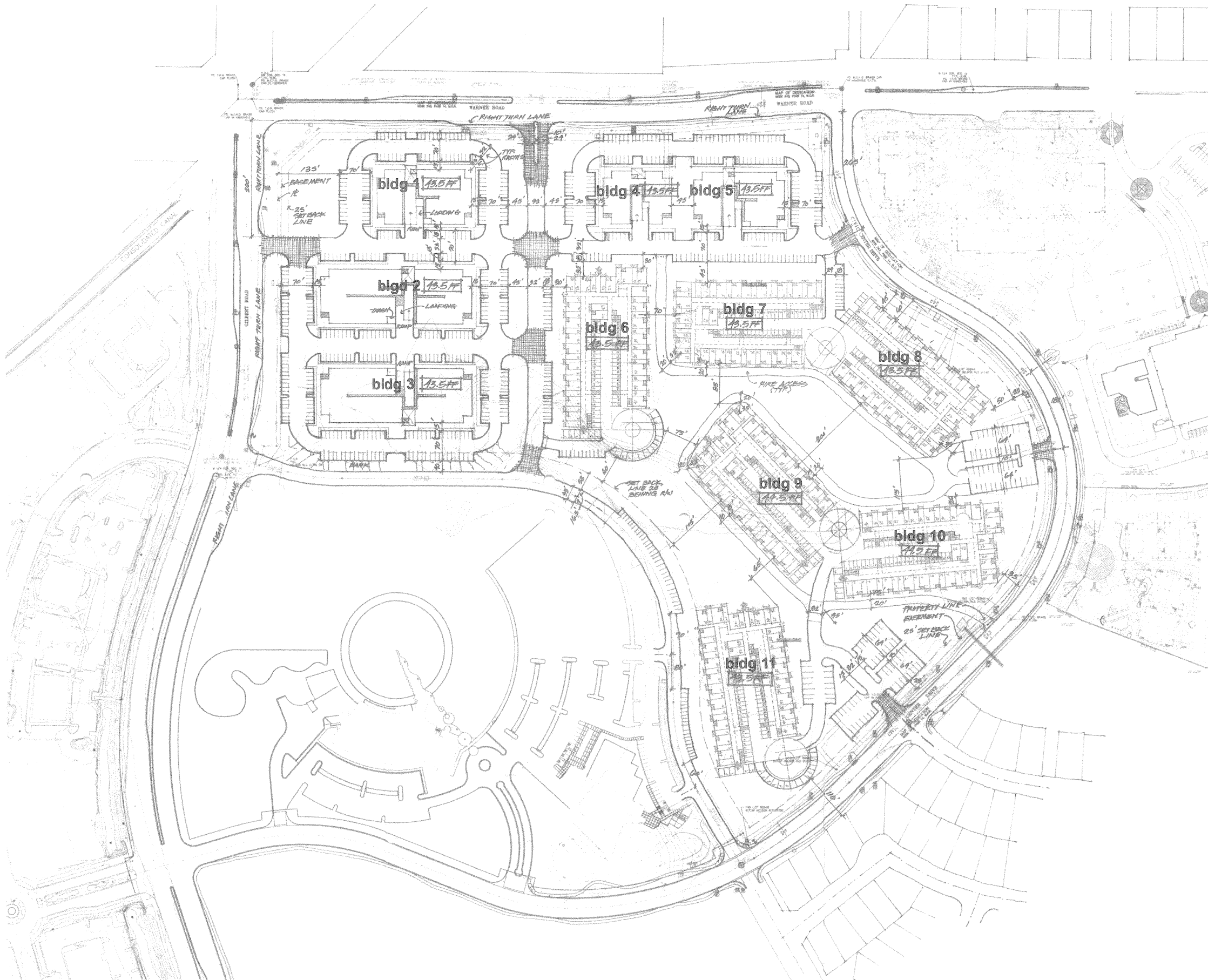
# Central Park at Gilbert Town Center Conceptual Landscape Plan

*ima* design

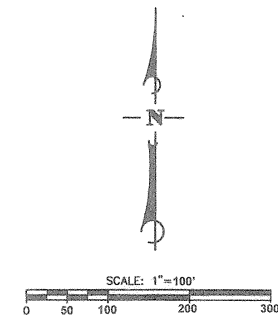


UP05-12 (2ND)

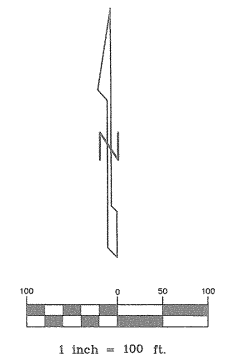
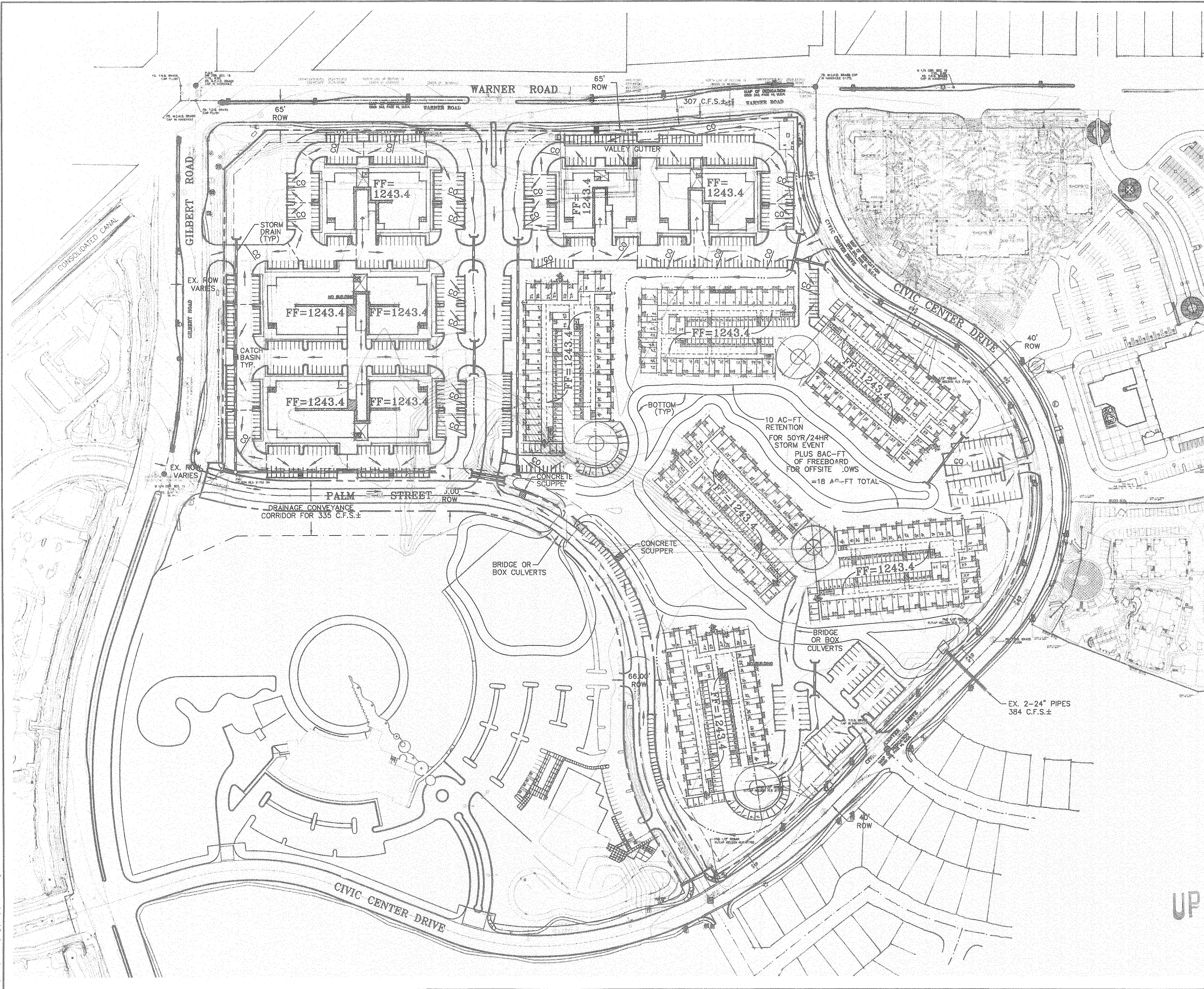




vicinity map



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### LEGEND

- RIGHT-OF-WAY LINE
- STORM DRAIN WITH HEADWALLS
- FLOW ARROW
- CONCENTRATED FLOW
- CURB OPENING
- RIDGE

## GILBERT TOWN CENTER SCHEMATIC GRADING & DRAINAGE PLAN

PRELIMINARY  
**NOT**  
FOR  
CONSTRUCTION  
OR RECORDING



**WOOD/PATEL**  
CIVIL ENGINEERS  
HYDROLOGISTS  
LAND SURVEYORS  
CONSTRUCTION MANAGERS  
2051 West Northern  
Suite 100  
Phoenix, AZ 85021  
Phone: (602) 335-8500  
Fax: (602) 335-8580  
www.woodpatel.com

ENGINEER D. FOX  
DESIGNER W. WISNIEWSKI  
CAD TECHNICIAN C. BACH  
SCALE (HORIZ) 1"=100'  
SCALE (VERT)  
DATE 8-12-05  
JOB NUMBER 052467  
SHEET 1 OF 1

UP05-12 (1ST)



would eventually approve them. They decided where they wanted the sites to be located and three applications actually came in which were approved by the Planning Commission with a Use Permit because they met the findings. Two of the sites were appealed to the Town Council and overturned and the other was sent to the state and approved as a location. That one is just in the early stages of getting ready to open at McQueen and Elliot Roads in an industrial park. Vice Chairman Peterson said that it is her understanding from what she has been told by the police department there is not a lot of information yet because they are so new in opening as it took so long for the state to decide where they could be located and who was going to get the positions through a number draw. There has not been enough time to establish any criteria even to look at currently.

Commissioner Powell said that information satisfied his question.

Commissioner Oehler asked how deliveries would be handled.

Planner Ward said that a nondescript type of vehicle would be making deliveries through the front door.

Planning Manager Edwards pointed out that the security plan was located on the last two pages of the staff report. She noted that the criteria were research conforming almost word for word to the statutes and all of the planning is not only reviewed by Planning but also by police and others. It is a much regulated program.

Commissioner Bianchi asked if the CHAW boundary stops at Power Road at the Gilbert boundaries or does it go into Mesa as well. Could they see applications on the Mesa side of Power Road as well?

Senior Planner Mike Milillo said that it had been some time since he reviewed the CHAW map but he did not believe that the East CHAW map corresponds exactly to Gilbert's jurisdictional boundary. It may actually overlap into Mesa or even Queen Creek. This particular dispensary is working with the state and the understanding was that there was only one dispensary permitted per CHAW so if this one actually receives a license this will be the one for the East CHAW in Gilbert.

Commissioner Bianchi said that the site was in Light Industrial but it did not look like a typical LI Park.

Planner Ward said that a portion of the property was designated LI and a portion for Regional Commercial (RC). There are a lot of heavy trucking types of uses there. This parcel is in the Town but the area to the West is still in the County.

**Z13-08 - Gilbert Town Center - Amend Ordinance Nos. 427, 617, 725, 1287 and 1689 to remove approximately 25.3 acres of property generally located at the southeast corner of Gilbert Road and Warner Road from the Gilbert Town Center Planned Area Development (PAD) and to rezone said real property from Town of Gilbert Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district to Regional Commercial (RC) zoning district with a Planned Area Development Overlay zoning district; and**

**UP13-04 - Gilbert Town Center Apartments - Conditional use permit for approximately 13 acres of real property located south and east of the southeast corner of Gilbert Road and Warner Road to allow a multi-family residential use in the Regional Commercial (RC) zoning district.**

Planner Nathan Williams displayed an aerial map of the PAD for the site. He noted that Banner Health Care pulled their 13 acres out of the 37 acre overall piece and rezoned it to a new development plan. Essentially, this applicant is doing the same thing in that they will be removing 25 acres from the Gilbert Town Center PAD that currently exists and will rezone it with a new PAD. The driving force behind the request is the southern 13 acres that the applicant would like to see as multifamily use in the rezoned commercial district. Mr. Williams displayed the proposed development plan to demonstrate that the multifamily would be on the southeastern piece with some office and retail on the Southeast corner with the Banner Health Care piece in the center. What is required to allow multifamily in the RC zoning district is that it must be part of a integrated mixed-use plan with a Conditional Use Permit required. What they must



do is make sure that it is an integrated mixed-use development and the way to do that is to have some exhibits to demonstrate that that can be approved through zoning and through a Use Permit. Staff does not feel that currently there is enough information to demonstrate that this is part of an integrated mixed-use development and the applicant is working on that. Planner Williams said that in 2005 the 37 acres was approved as Gilbert Town Center and was a true mixed-use development with nearly 180,000 sq. ft. of commercial, 1200 residential units which included lofts and 4 to 5 story condominium buildings with parking structures and a lot of urban feel pedestrian connections. When Banner Health Care went in that changed the dynamics of the piece.

Chairman Fuller said that initially the PAD called for a live/work type feel of project with retail on the bottom and lofts up above.

Planner Williams said that was correct.

Commissioner Bianchi said that when the Banner Health Care facility came forward they began to discuss the possibility for synergistic uses next to it. Are there now restrictions on that where they will now not get adjacent uses that they were initially thinking about and that would limit the possibilities of the adjacent parcels?

Planner Williams said that when Banner went in it did limit the synergistic abilities of the parcel somewhat. The issue is that it is RC and in order to allow multifamily it has to be an integrated mixed-use. It is a catch 22 in that sense. It's up to the applicant to try to come up with something to be able to integrate.

Commissioner Bianchi asked if they were aware of any restrictions that could occur as a result of Banner going in there.

Mr. Williams said that Banner does require some restrictions of other users that come in on the site in terms of other medical related uses.

Commissioner Powell asked how many apartment units are currently under application.

Planner Williams said that he did not know the exact number but that he would research that and get back to the Commission with that number.

Commissioner Powell said that information would be helpful if they knew the total number of units throughout the Town that were being considered. In addition, he wished to know if the Town has done any type of a study where it would support the interest in building so many multi-housing units.

Planner Williams said that he would research that as well.

Commissioner Powell asked if staff knew what was driving the interest in building multi-housing.

Planner Williams said that it was very popular currently as it is very affordable and is easily financed which is always a big plus in the development industry

Commissioner Fuller said that he remembered thinking when the project was initially presented in 2005 that it was very ambitious for the Gilbert Warner location and not really feasible. He said that when the case comes back at the next regular session he would like to hear from applicant why multifamily makes sense at this location. He said that he did not think that it was the greatest spot for commercial as it would be difficult to drive traffic there so he would like to hear from staff what they would want to go there if they did not want to go the multifamily direction as he was not sure what the next feasible alternative would be at that spot.

Commissioner Oehler said that he would like to see a little more play on the integration.

Vice Chairman Peterson said that she would like to see the minutes from the Banner meeting and what was discussed about that property. She said that she remembered that Banner wanted it to be secure and not allow them to have integrated uses and be able to cross over the property. She said that she would like to see the list of what wasn't allowed at that site. She said that she thought that it was a perfect location for a pharmacy with Banner health right next door.

Commissioner Bianchi said that when they moved forward they advertise this for two parcels but they are really only seeing a plan for one of them. He said that he needed to see what an integrated plan would be for both of the parcels and how they connect to one another as this originally was supposed to be one mixed-use project. He said that this was almost a clustering of multifamily and typically not where you would find one so he would like to have a discussion about how this ties into any of the adjacent uses as well as what transit options exist to connect to employment areas.

Vice Chairman Peterson noted that the multifamily for across the street at Gilbert town square is on the Town Council agenda for June 6<sup>th</sup>.

**GP13-04 - Minor General Plan amendment to change the land use classification of approximately 157.3 acres of real property generally located at the northwest corner of Warner and Higley Roads from Public Facility Institutional (PF/I) and Residential >3.5 - 5 DU/Ac land use classifications to Residential >2-3.5 DU/Ac and Residential >3.5 - 5 DU/ Ac land use classifications; and**

**Z13-07 - Amend the Morrison Ranch Planned Area Development (PAD) by amending Ordinances Nos. 1129, 1232, 1514, 1602, 1705, 1961, 2219 and 2295 by rezoning approximately 157.3 acres of real property generally located at the northwest corner of Higley and Warner Roads, in zoning case Z13-07, from approximately 33 acres of Single Family-10 ( SF-10), 22.1 acres of Single Family-8 (SF-8), 35.9 acres of Single Family-7 (SF-7), 48.5 acres of Single Family-6 (SF-6) and 10 acres of Public Facility Institutional (PF-I) zoning districts, all with a Planned Area Development overlay zoning district to 33 acres of Single Family -10 (SF-10), 26.8 acres of Single Family-8 (SF-8), 33.2 acres of Single Family-7 (SF-7) and 56.5 acres of Single Family-6 (SF-6) zoning districts, all with a Planned Area Development overlay zoning district; and by amending conditions of development as follows: reducing the width of lots for the SF-7 zoning district, increasing the depth of the lots for the SF-6, SF-7, SF-8 and SF-10 zoning districts, and increasing the maximum lot coverage for all the residential zoning districts proposed**

Senior Planner Maria Cadavid stated that this was a 150 acre site which is part of the Morrison Ranch Master Plan that was originally entitled in 1998. She displayed an exhibit that showed the boundaries of the Morrison Ranch character area. The subject site is at the Northwest corner of Higley and Warner Roads. She noted that the corner that is Neighborhood Commercial will remain. The current land use classification is 3.5 – 5, the PSI was reserved for the Gilbert school district and the Neighborhood Commercial is on the corner. The applicant wishes to develop 2 parcels with two residential designations one being 93 acres of 2 – 3.5 classification and parcel B, 3 – 3.5 – 5. Planner Cadavid said that they have a letter from the school district to the applicant/owner stating that they are not interested in building another school facility at that location so the PSI has been absorbed by the residential acreage. Planner Cadavid referred to the following information from pages 3 and 4 of the staff report:

Rezoning (Z13-07): The proposed amendment to approximately 157.3 acres of the Morrison Ranch PAD to be known as the Warner Groves subdivision consists of:

1. Reconfiguring the boundaries and acreage of parcels B (SF-8) by increasing the size by 4.7 acres
2. Squaring and reducing the size of parcel C (SF-7) by 2.7 acres; and,
3. Reconfiguring the boundaries of parcel D (SF-6) incorporating the acreage from the school site for a total of 56.5 acres.
4. The zoning request also proposes:
  - o To increase the depth of all lot in the zoning districts requested.

**TOWN OF GILBERT  
PLANNING COMMISSION, REGULAR MEETING STUDY SESSION  
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE GILBERT ARIZONA  
September 3, 2014**

**COMMISSION PRESENT:**

**Chairman Jennifer Wittmann  
Vice Chairman Joshua Oehler  
Commissioner David Blaser  
Commissioner Carl Bloomfield  
Commissioner Kristofer Sippel  
Commissioner David Cavenee  
Commissioner Brent Mutti**

**COMMISSION ABSENT:**

**None**

**STAFF PRESENT:**

**Planning Services Manager Linda Edwards  
Principal Planner Catherine Lorbeer  
Senior Planner Amy Temes  
Senior Planner Jordan Feld  
Planner Nathan Williams**

**ALSO PRESENT:**

**Town Attorney Jack Vincent  
Recorder Margo Fry**

**CALL TO ORDER:**

Chairman Jennifer Wittmann called the meeting to order at 5:05 p.m.

**GP14-09 - Warner Power Senior Living - Request for Minor General Plan Amendment to change the land use classification of approximately 19.7 acres of real property generally located west of the southwest corner of Power and Warner Roads from Light Industrial land use classification to General Office land use classification;**

**Z14-19 - Warner Power Senior Living - Request to rezone approximately 19.7 acres of real property generally located west of the southwest corner of Power and Warner Roads from approximately 19.7 acres of Light Industrial (LI), within a Planned Area Development overlay zoning district, to approximately 19.7 acres of General Office (GO) zoning district;**

**UP14-10 - Warner and Power Senior Living - Request to approve a Conditional Use Permit for approximately 19.7 acres of real property located west of the southwest corner of Power and Warner Roads to allow a congregate care facility in the General Office (GO) zoning district.**

Senior Planner Amy Temes stated that the applicant has requested a change from Light Industrial (LI) zoning and General Plan land use category to General Office (GO). GO allows congregate care facilities which are full care facilities including everything from memory care, assisted living, independent living and supportive care apartments. The applicant would like to create a congregate care facility which does require a use permit for approval within that zoning district. The project parcel is located on Warner Rd., West of Power Road. It is adjacent to large lot existing residences in subdivisions of SF – 6 and SF – 43 as

well as some vacant farmland and farm housing. At the other side and at the rear is vacant LI. A neighborhood meeting was held and was well attended by the neighbors in the area. Discussion ranged from it being a great transitional use from LI to the large lot houses to not wanting a three-story building devaluing property, to, this will be difficult to sell LI next to a congregate care facility. However, it is next to GO zoning which the applicant indicates will be a 2 to 3 year window before it is constructed. There is some existing LI somewhat further to the East with different uses, none of them having hazardous materials or anything which would be detrimental to having a congregate facility in a GO category, though within LI there are sometimes uses that do have sounds or odors that could occur. GO is required to have an 8 foot wall between not only the residential uses to the West but also in the LI to the East and to the South. The General Plan Map is a very basic map going to centerlines roads and encompassing the entire gross acreage of the parcel, it would be going from LI to GO. Under the GO the applicant has requested Conventional zoning. There are no modifications being requested and this is not a planned area development. They are going straight out of the Land Development Code (LDC). There are 387 units with varying kinds of care as stated earlier. There is a large clubhouse with a heated pool and an 18-hole putting golf course which is done in a resort style. Under the buildings is a parking garage. Seventy two jobs will be created by this project and so is considered an employment use.

Commissioner Sippel asked what percentage of the people did not want three stories as it would devalue their homes compared to the percentage of people who were excited about the transitional piece.

Ms. Temes said that in the plan that was originally shown to the neighbors some of the buildings were turned a little more so that the windows of the facility were facing out towards the West and the buildings were also in some cases closer to the property line. The applicant took the neighbors comments to heart as well as the requirements of the LDC and rotated some of the buildings so that some of those concerns were addressed. There is one building that is still facing that direction which has not yet been noticed as it was not going to public hearing, so there has been no further feedback since the original meeting.

Commissioner Cavenee asked what other uses are allowed in LI which would be adjacent to the subject project.

Ms. Temes referred to the existing uses in the area which are carpentry, woodworking and manufacturing. There are indoor and outdoor facilities and some metalwork as well as personal storage that was created under the County and then annexed into the Town. A rock yard has been interested in one of the other parcels.

Commissioner Cavenee asked if staff had any concerns about the adjacency of any of those types of uses to this kind of facility. With a rock yard would there be concerns about dust or noise which would come back to haunt the property later.

Ms. Temes responded that there is Regional Commercial (RC) in the area. There is a hotel along Power Road and over time staff expects this area to change and evolve into more of a RC corridor.

Chairman Wittmann said it seemed that the GO standards were greater than the standards required in LI and that it actually protected the neighbors more than the LI district would. She liked the fact that they have the same building height as the LI so in comparison this is a better use for the adjacent neighborhood than what it is currently.

**UP13-04: GILBERT TOWN CENTER APARTMENTS: REQUEST TO APPROVE A CONDITIONAL USE PERMIT FOR APPROXIMATELY 13 ACRES OF REAL PROPERTY LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF GILBERT ROAD AND WARNER ROAD TO ALLOW A MULTI-FAMILY RESIDENTIAL USE IN THE REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Planner Nathan Williams said that UP13-04 was brought before the Planning Commission approximately one year previously as a study session item with the accompanying zoning case which was Z13-08. The Use Permit is being presented at study session because they need to hear the zoning case first which is on the current agenda on public hearing. Mr. Williams displayed an aerial map and noted that the site was 25.3 acres and that the Use Permit would only apply to the southeastern portion of 13.7 acres. The site is zoned Regional Commercial (RC) which requires that to allow multifamily uses in the RC zoning districts it must be part of an integrated mixed-use development plan. To review the case as an integrated mixed-use development plan they need to look at the overall remainder of the site. He indicated Banner Health in the central portion of the site on the displayed site map and noted that it had been developed approximately a year ago. Mr. Williams noted that there was a previous development plan that was approved through zoning and a Use Permit which encompassed the entire 37 acres and provided what the Town felt was a good vision for the center. It included just less than 180,000 ft.<sup>2</sup> of commercial, retail and office with approximately 1200 residential units. There were 6 buildings, 4 to 5 stories and height. The plan was cohesive in design and had a significant amount of trails and was urban in feel. This project was approved in 2005. Banner Health has since been constructed on the site. The applicant is now proposing to rezone the site with a PAD. Mr. Williams noted that after going through the process, the Commission would potentially see the Use Permit application in October. The Use Permit is required to allow multifamily in the RC zoning district. Planner Williams stated that in addition to the findings required in the LDC four additional findings of fact have been created to allow multifamily in RC. He referred to the following information from page 5 and 6 of the staff report:

1. Mixed land uses- the proposed project demonstrates that land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned). A mixed-use development is an efficient integration (horizontally or vertically) of non-residential and residential uses that cultivates a sense of community in a live, work, and play environment.

*Staff believes that the proposed development plan does not provide for either vertical or horizontal integration and therefore does not comply with the intent of this finding of fact, as the proposal does not provide for an efficient design that cultivates the intended sense of a live, work, and play environment but rather relies on a stand-alone suburban multi-family apartment complex design. Additionally, there would be the loss of 13.72 acres of commercial uses without the benefit of creating a more regional draw at one of the most significant corners in the Town of Gilbert.*

2. Sustainability through compact design- the proposed project demonstrates that site layout is compact and configures buildings, parking areas, streets, driveways and gathering places in a way that lessens dependence on the automobile, and reduces impacts on the natural environment. Parking for the multi-family residential component meets multi-family residential parking requirements or an approved “shared-parking” model.

*Staff finds that the proposed development plan provides a layout and design that relies predominantly upon automobiles for ingress and egress of the subject site and provides for a standard, stand-alone apartment complex design and does not meet demonstrate sustainability through compact design. The applicant has proposed a 6' wide decomposed granite pathway “fitness trail” which is essentially the sole method of integration and outdoor gathering area between the proposed multi-family parcel and the remainder of the overall 37 acre site. This is the feature that the applicant believes complies with the use permit findings of fact related to compact design and pedestrian scale and orientation. A secondary decomposed granite pathway is shown on the use permit exhibits. The proposed parking for the apartment buildings does appear to comply with the parking requirements for multi-family residential uses under the LDC*

3. Pedestrian scale and orientation- the proposed project demonstrates that all portions of the development are accessible by a direct, convenient, and safe system of pedestrian facilities, and the proposal provides appropriately scaled pedestrian amenities and gathering places.

*Staff believes that the proposed development plan exhibits does not provide for or meet the intent of this design requirement. The proposed development plan essentially creates a stand-alone multi-family development, predominately isolated from the remainder of the overall Gilbert Town Center site. The applicant has proposed a 6' wide decomposed granite pathway in order to connect the municipal complex to the north between the Banner Health Center parcel and the proposed multi-family parcel as essentially the sole method of integration between the proposed multi-family parcel and the remainder of the overall 37 acre site.*

4. Transportation and connectivity- the proposed project demonstrates that the development provides appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles.

*The proposed project has not demonstrated appropriate vehicular and pedestrian connectivity that serves vehicles, pedestrians and bicycles.* Staff notes that when the 13 acre Banner Health Center site was rezoned in May of 2012 under Ordinance No. 2368, the original intent was for Banner in coordination with the proposed multi-family parcel/ southeast parcel (Parcel 2) to develop and improve a drive aisle between the two parcels and provide a secondary vehicular connection between Palm Street and Civic Center Drive. This was the reason for creating the Banner Health Center parcel shape as it is and the remaining southeast parcel (Parcel 2). The proposal under Z13-08 no longer provides for this access drive and staff believes this further detracts from the connectivity of the site as there will now be no north-south vehicular connection until such time as the northwestern (Parcel 1) develops, which will not help with the traffic impact of the proposed multi-family use on the southwest parcel (Parcel 2).

Planner Williams displayed the development plan and noted that the applicant is requesting multifamily use on the southeast parcel with Office and Commercial on the Northwest parcel. There would be 8 buildings of office and retail and 11 apartment buildings on the 13.7 acres that is being discussed with the Use Permit. Renderings of the proposed project were displayed. The applicant is presenting as a method of integration a six-foot wide DG fitness trail which would be on the apartment complex parcel itself. Planner Williams stated that in staff's evaluation the mixture of land uses lacks the integration of land uses that they saw previously. Essentially what they have now with the Banner Health Center, apartment complex and the retail and office on the Northwest parcel is three separate parcels. The applicant is attempting to integrate that but staff does not feel that it provides vertical or horizontal integration. He indicated the site map and pointed out an area that per staff's recommendation was meant to provide an overall drive isle between Civic Center and Palm that Traffic Engineering and Planning felt would integrate the site more adequately no matter what use was developed. The applicant does not want to do that and has provided access points only along Civic Center. Without the drive aisle and cross access to all three parcels together staff feels that the connectivity is lacking from a vehicular standpoint. From a pedestrian standpoint there is a fitness trail and the applicant is working with Banner in terms of an open space trail connecting the three parcels with sidewalks along the way. Staff does not feel that the transportation connectivity element or finding of fact is met. There is a lack of density which they had previously proposed which was 1200 units compared to 256 which is being proposed currently but with that lack of density comes buildings that are more widespread across the 37 acres which impacts areas such as outdoor gathering areas, promenades, plazas, interactive trails, etc. The main method of integration being presented is the six-foot wide fitness trail. Planner Williams displayed the old development plan and noted that it was approved under Use Permit 0512 which was approved in 2005. He pointed out that there were good connections throughout the plan. He noted that the vehicular boulevards did an efficient and effective job spreading out the 37 acres and connecting to the municipal center to the South. There were many more elements of integration that they had previously that staff feels was the real vision for the parcel and what was previously approved.

Chairman Wittmann said that it felt as though they had put the cart before the horse in that they are hearing the zoning case later in the meeting and that they are being asked to review a Use Permit case and provide comment based on the assumption that the zoning case was essentially approved. The commission needed to focus their comments based on the Use Permit specifically and the four findings.

Commissioner Cavenee said in regard to the Use Permit, the previous plan was shown and it was pointed out that it had the integration that was anticipated. Because the site has changed so dramatically in its shape with the implementation or insertion of Banner Health, did the restrictions imposed by Banner make this more difficult to implement the standards or requirements?

Planner Williams said there are restrictions on the property with the owner and with Banner. These are restrictions that the town does not have any authority to enforce as they are restrictions created by the landowner. There are restrictions that are related to doctors' offices and healthcare related uses which were agreed upon in April, 2012. These restrictions are self-imposed and are time-limited.

Commissioner Cavenee said that he had to agree with staff's comment that this does not meet the intent of mixed-use. There is little to no integration in terms of residential and commercial. He believed that it was still possible to create a better mix that achieves the four levels of scrutiny. From a study session perspective he would recommend that the developer go back and make a more creative effort for integration.

Commissioner Sippel said that in terms of finding four, transportation and connectivity, if the applicant were willing to continue the street between Banner and the proposed apartment complexes and connect the two streets would that help meet the 4<sup>th</sup> finding in staff's viewpoint.

Planner Williams said that he believed that it would, however, not in the sense that if they just put it in it suddenly becomes integrated. If the street went in it would be a mechanism to design the site differently. It would provide a method in order to redesign the site in terms of bringing buildings closer to Banner and spur a different design of the site. It would most definitely create a more efficient vehicular access and circulation. There is a lot of strain on Civic Center and Palm that could be distributed out if the Boulevard were in place.

Commissioner Blaser said the site was originally planned to have 1200 residential units and asked if those units were intended to be privately sold or rented like an apartment complex.

Planner Williams said that he would imagine if they were condominiums the intent would be to sell them but he didn't have a definitive answer.

Commissioner Bloomfield asked if as a reference point staff could point to a project in Gilbert that was a successful project with this kind of zoning.

Planner Williams said that Agritopia would be a development that has a mixture of uses when the commercial is developed. He noted that was why they went back and created the additional four findings because they were getting things down by the mall and requests for multifamily and RC and the previous four findings of fact were so general and nonspecific to that type of request that essentially there were no teeth in terms of the Planning Commission reviewing a Use Permit and being able to say something was integrated mixed-use. The four additional findings of fact is the mechanism that the town created so that they would have something more tangible to review a proposal such as the one before them in terms of what makes it integrated.

Commissioner Mutti said that once the Banner Health parcel was developed was there a valid basis to hold the entire property to the RC standards since they now have two bifurcated parcels. He said that it seems as though that would be a difficult standard to hold the applicant to, to have a well-integrated use when they have a parcel like the apartment parcel that has no Street frontage to integrate with retail. It frankly did not seem like a fair fight. In terms of transportation and connectivity, dealing with 20 – 25% of the units that were previously considered it seemed as though there would be a significant reduced strain on the traffic on the surrounding streets siding the north-south connector and doesn't seem critical to the circulation of the site. It was difficult to see where other traffic generation would happen on either side of that connector other than just a cut through.

Planner Williams said in terms of integrating with Banner Health Center, the reason that they are requesting an integrated development plan is because they are requesting multifamily and RC. There are multiple uses permitted in RC by right. They would still need to amend the development plan and allow a provision for whatever might go there to be there. The onus is therefore on the applicant to design a parcel that is integrated. When Banner went in the parcel was bifurcated and it made it very difficult to create an integrated mixed-use development, however, the original owner brought in Banner and staff was supportive because if the integrated mixed-use vision was not meant to be then it was not meant to be. But, if you want to bring forth an integrated mixed-use development plan it should be integrated mixed-use regardless of what self-imposed hardships have been created. In terms of the transportation and connectivity, it was not a Town of Gilbert engineering requirement that this had to happen. It depends on the user, intensity of the use, etc. Staff suggested, and Traffic agrees with Planning and Engineering, in that it would make it a more efficient site design and efficient access/circulation. Staff believes that it helps to integrate the design of the site; it provides a mechanism for a potentially better layout of where buildings landscape and buffer is located. It is not something that is mandated by the Town Traffic Engineer but something that staff recommended all along even when Banner came in originally with their vision of that being a more efficient circulation plan for the site.

Commissioner Cavenee said that in response to Commissioner Bloomfield's question, there is several mixed-use developments within the Valley such as High Street in Phoenix, Kierland Commons in Scottsdale and Scottsdale Waterfront which is adjacent to Scottsdale Fashion Square. He said that he understood that Alliance is the proposed residential developers who were involved in Main Street Commons which did not happen but they were part of it and understood it. There are several with a variety of different applications of mixed-use but all much more integrated than they are seeing in this case and based on those other examples.

Vice Chairman Oehler noted that with Banner developing on the site it basically cuts off all the trails and connectivity across the site. He asked if Banner should now be looked at as a separate parcel.

Planner Williams said that the applicant has met with Banner who suggested an alternate connection which Mr. Williams indicated on the site plan.

Vice Chairman Oehler said that in terms of that connection are they only looking at the apartment with the Use Permit and the office can be whatever it is or are they tied in to what they see as an overall site plan.

Planner Williams said that the Use Permit only applies to the 13 acres on the Southeast parcel. The zoning they are showing in relation and context to the overall 25.3 acres if that were to be rezoned to this development plan. The zoning applies to both parcels.

Vice Chairman Oehler said in connectivity and the four findings that they are looking at the office side of it is still just schematic and are they looking at this as the 13, Banner and connectivity or the Use Permit would overlie all of it and they shouldn't be looking at connections, since they are only looking at the Use Permit right now, connection from the apartments to the office and how that connects.

Planner Williams said that if the PAD were approved the commercial piece that was seen on the Northwest corner was what it would have to look like. The zoning would be the mechanism that would solidify the layout and design and the use permit was essentially only on the 13 acres to the Southeast but they were showing the overall to provide it in context. The commercial would be designed the way it is shown on the development plan in the future or they would need to come in and rezone.

Vice Chairman Oehler said that in terms of the zoning case whatever they show as the office piece is what they would have to build unless they rezoned it again. That site plan would be tied as the zoning piece.

Planner Williams said that was correct.



Vice Chairman Oehler said that in terms of the connectivity of the trail versus the street he assumed that the Street will then go through where the trail goes through instead of jogging around and they are connecting street to street.

Planner Williams indicated the site map and said that the trail would connect from Palm to Civic Center and would be on the apartment complex parcel. He said that Banner would then probably try to eliminate the access at that point.

Vice Chairman Oehler said that even if they made it a Boulevard it would be one sided and the other side would just be a parking lot. He thought that a six-foot trail was too narrow and would like to see a horse trail size of 8 to 10 feet. He said that he believed having a pedestrian connection would be a better way than having a one sided Street. He indicated an area on the site map and asked what it was.

Planner Williams responded that it was 33 feet of right-of-way.

Vice Chairman Oehler asked how they were parked on the site.

Planner Williams responded that they were part to meet multifamily development standards and thought that they were over parked by a few spaces.

Vice Chairman Oehler asked if staff was looking to more integrating the two different uses together.

Planner Williams said that the ideal situation would be to mix uses on the parcels. Staff believes that currently it is not integrated horizontally, vertically or diagonally. He noted that the reason that they must show that it is integrated mixed-use development is because the applicant is asking for multifamily on it.

Commissioner Bloomfield noted that the complex has been largely vacant for 20+ years and he looks at the use, now that is bifurcated by Banner, and thinks that for all the retail uses that are on the other side of Gilbert road and for the area it needs more density to bring all those businesses more users. They need people to come and spend money there. From a planning perspective the piece of property is hidden back there and this seems to be a great use from his perspective. He said that he understood that it is RC and they are coming in with multifamily and must show some integration and he appreciated that there were places such as Kierland Commons that work well in the Valley but he was not sure that this area was ready for that currently nor if it would ever be. He said that he felt that this use would be a good fit and wondered if the applicant could revise or change the zoning request in such a way that would make it more palatable to staff.

Commissioner Mutti said that in terms of finding 2 and 3 they do not seem to look favorably on the six-foot wide fitness trail. He asked if there were some example elements that staff would suggest to make this more agreeable to meet those two requirements.

Planner Williams said that there are things that they could do such as not wall the community. The request is for deviations from setbacks and building step backs to increase what is already a reduce setback in RC and what is the Town's benefit? Not walling it would be a benefit and perhaps creating more open space and usable area. There are several things that could be done that would help to integrate it to a better degree.

Commissioner Cavenee said that what they are giving feedback on is whether or not the southeast property meets the criteria of residential in RC and it clearly doesn't. These properties will likely not be developed together and they may only end up with the southeast for another 20 years. To abandon the vision of residential in RC in a special way is shortsighted. It is giving up on something that they have set aside as a requirement for a reason and giving up on it now because they don't know what else to do with the property is bad planning. He said that it doesn't matter what they think could or should go there, it doesn't meet the requirements.

Chairman Wittmann said that in terms of the Use Permit specifically for this case and the criteria required, this plan as designed today does not meet that criteria. She said that she would need additional information and design in order to support the use permit request based on those findings.

Chairman Wittmann announced that as they were running late in the study session they would hear item 3 on the agenda, case Z14 – 17 and postpone item 4, Z14 – 15B to be heard at the end of the public hearing as it is more of a staff issue than it is an applicant item.

**Z14-17, POWELL HEIGHTS: REQUEST TO REZONE APPROXIMATELY 13 ACRES OF REAL PROPERTY GENERALLY LOCATED NORTHEAST OF THE NORTHEAST CORNER OF VAL VISTA DRIVE AND CHANDLER HEIGHT BOULEVARD FROM SINGLE FAMILY-43 (SF-43) ZONING DISTRICT TO SINGLE FAMILY-15 (SF-15) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Senior Planner Jordan Feld stated that this was approximately 13 acres with 13 lots proposed with a one dwelling unit per acre density which is consistent with the General Plan. The proposed development plan shows 13 residential lots ranging in size from approximately 23,000 sf to 34,000 sf. The applicant had two public meetings and at the first meeting there was input received from the surrounding neighborhoods to reduce the density. The site plan proposed currently was reviewed by the neighborhood at the second follow-up meeting and the neighborhood is very supportive of the project. Staff is working with the applicant to address the Val Vista widening project and the right of way needs through that as well as any drainage issues to the site. One of the key concerns of the neighbors was making sure that Powell Way did not go through so at the eastern end of the subject site there will be a crash gate and open space and Powell Way will not connect from the east to Val Vista drive. Fire has reviewed the request and seems to be comfortable with it.

Vice Chairman Oehler asked if design of the site plan includes the expanse in the street as already what Val Vista will expand into.

Planner Feld said that it was very close and may be off by 5 feet on the southern boundary but staff will revise that.

Vice Chairman Oehler said that his question was in terms of the open space retention which he could see as open but not active. He asked if there was a use to that or an idea as to what was going to happen with it.

Planner Feld said that it would be passive open space and would be used for retention purposes as well as a greenbelt along Val Vista.

Vice Chairman Oehler said that with it being retention it won't be an active open space.

Planner Feld said that the objective is to be a passive open space.

Vice Chairman Oehler said that he was looking at perhaps moving it over and bringing it closer to the Street and bringing it into the middle of the property and having an active space for the community.

Planner Feld said that staff could work with the applicant to see if that was possibility.

Chairman Wittmann said that she did not have any particular concerns over the layout or the design and the basis for her support would be based on the PAD being included and the site plan being stipulated.

Planner Feld said that if for some reason the property changed hands and the desire was to go denser they would have to come back with a General Plan Amendment and the neighborhood is very much fixated on the site plan being part of the project and that it be stipulated as a condition to the PAD.

**Vietnam War Memorial Presentation**

October 1, 2014

Edwards, Kip C

**Subject:** FW: Amendment to RC PAD Cases Z13-08 and UP13-04 Town of Gilbert  
**Attachments:** Masterplan.pdf; Access example.pdf

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**From:** Jeanette Williams [<mailto:jwilliams@beusgilbert.com>] **On Behalf Of** Paul E. Gilbert  
**Sent:** Thursday, August 21, 2014 9:04 AM  
**To:** Edwards, Kip C; Paul Klumb ([paulklumb@consultpck.com](mailto:paulklumb@consultpck.com)) ([paulklumb@consultpck.com](mailto:paulklumb@consultpck.com))  
**Cc:** Dennis Newcombe  
**Subject:** Amendment to RC PAD Cases Z13-08 and UP13-04 Town of Gilbert

Gentlemen:


As you are aware, we represent Lehman Brothers in conjunction with the above-referenced entitlement applications in the Town of Gilbert. We appreciated your meeting with us to discuss the above-referenced applications. These applications request approval for 256 multifamily units to be built by Alliance, one of the premiere apartment building developers in the Valley. This correspondence will summarize our discussion yesterday in which it was agreed that we will incorporate the following changes to our site plan and attendant zoning and use permit cases. I am attaching to this correspondence an overall site plan/aerial photograph showing the original 37 acres owned by Lehman Brothers with the middle parcel previously purchased by Banner and the remaining two parcels (25.30 acres) currently owned by Lehman on both sides of the Banner parcel. We are proposing a health and fitness trail to be built on the proposed Alliance property with the necessary attendant fencing enclosing/securing the apartment area only. This, of course, will be entirely at Lehman/Alliance's sole cost and expense. Additionally, we propose the elimination of the driveway connecting Civic Center Drive to Palm Street as originally requested by the Town and shown on Banner's Design Review Board approval (i.e., on one-half to be built by Alliance/Lehman and one-half to be built by Banner). Furthermore, as shown on the attached graphic, we will not be allowing any shared vehicular access points with the Banner/Alliance property. However, as discussed and agreed, we are proposing a vehicular access point as shown generally on the attached drawing to facilitate vehicular access for Banner to Palm Street and subsequently to Gilbert Road. This access will consist of a mutually agreed easement accommodating vehicular access for the Banner property through Lehman's retail property at Gilbert and Warner Roads. Furthermore, we will restrict the corner retail parcel to retail development only, consistent with the commitment we have made with the Town of Gilbert to do so.

We also discussed placing an additional pedestrian trail across the PUE adjacent to your retention basin area facilitating pedestrian access from the health and fitness trail and beyond. It is agreed that this pedestrian pathway will not affect or interfere with your drainage functions in any manner and will be installed at the sole cost and expense of Lehman brothers.

Lastly, this will also confirm, as we discussed, that we may inform the Town of Gilbert subject to the terms and conditions set forth above that Banner is in support of referenced Cases No.'s Z13-08 and UP13-04.

Please feel free to call and discuss the contents of this correspondence if we have not accurately or completely stated all of the terms and conditions of our agreement and we will carefully and promptly make any supplement deemed necessary to accurately reflect our discussions on August 19, 2014. Assuming you find this correspondence consistent with our discussions, I would appreciate your signing below and returning a copy of this correspondence to the undersigned.

Thank you again for meeting with us and for your cooperation on this matter. We surely believe this is a win/win situation for both Banner and Lehman.



Kip Edwards

Vice President of Development and Construction  
Banner Health

8/25/14

With appreciation,

**Paul E. Gilbert**

**BEUS GILBERT PLLC**

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**Gilbert Holdings**  
Gilbert, Arizona

## Masterplan

**GREEY|PICKETT**

June 17, 2014

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Banner Health  
Center

Health &  
P

Open  
Space

Office Space



**TOWN OF GILBERT  
PLANNING COMMISSION, REGULAR MEETING  
GILBERT MUNICIPAL CENTER, 50 E. CIVIC CENTER DRIVE, GILBERT ARIZONA  
OCTOBER 5, 2005**

**COMMISSION PRESENT:**

**Chairman Brigitte Peterson,  
Vice Chairman Michael Monroe,  
Commissioner Dan Dodge,  
Commissioner Karl Kohlhoff,  
Commissioner John Sentz,  
Commissioner Anthony Bianchi,  
Commissioner Chad Fuller,  
Alternate Commissioner Jennifer Whittmann**

**STAFF PRESENT:**

**Acting Planning Director Linda Edwards,  
Planning Manager Maria Cadavid,  
Senior Planner Mike Milillo,**

**ALSO PRESENT:**

**Town Attorney Phyllis Smiley,  
Town Traffic Engineer Bruce Ward,  
Town Manager George Pettit,  
Councilmember Joan Krueger,  
Recorder Trasie Johns**

<i><b>PLANNER</b></i>	<i><b>CASE</b></i>	<i><b>PAGE</b></i>	<i><b>VOTE</b></i>
<b>Mr. Milillo</b>	<b>GP05-7</b>	<b>2</b>	<b>Approved</b>
<b>Mr. Milillo</b>	<b>Z05-14</b>	<b>2</b>	<b>Approved</b>
<b>Ms. Cadavid</b>	<b>S05-09</b>	<b>11</b>	<b>Approved</b>
<b>Ms. Cadavid</b>	<b>S05-10</b>	<b>16</b>	<b>Continued</b>
<b>Mr. Milillo</b>	<b>S05-12</b>	<b>16</b>	<b>Approved</b>
<b>Mr. Mangiamele</b>	<b>Z05-16</b>	<b>18</b>	<b>Continued</b>

< - - - > = deleted text    **bold** = added text  
in stipulations

**CALL TO ORDER:**

Chairman Brigitte Peterson called the meeting to order at 6:00 P.M.

**ROLL CALL**

Ms. Johns called roll and a quorum was determined to be present.

**APPROVAL OF AGENDA**

Chairman Brigitte Peterson requested a motion to approve the agenda.

Commissioner Dan Dodge reordered the agenda. He explained that the major sections of the agenda would be changed to the following order: Public Hearings would be first, the Administrative Items next and finally the Board of Adjustment section. In the Public Hearing section, items 9 and 10 would be first and item 5 would be last. In the Administrative items, item two included Board of Adjustment minutes, which will be changed to be heard in the beginning of the Board of Adjustment meeting.

Planning Commission  
Regular Meeting 10/5/05

**A motion was made by Commissioner Dan Dodge, seconded by Commissioner John Sentz, to approve the agenda as follows: the major sections of the agenda would be changed to the following order: Public Hearings would be first, the Administrative Items next and finally the Board of Adjustment. In the Public Hearing section, items 9 and 10 would be first and item 5 would be last. In Administrative items, item two includes Board of Adjustment minutes, which will be changed to be heard in the beginning of the Board of Adjustment meeting.**

**Motion Carried 7-0.**

## **COMMUNICATIONS FROM CITIZENS**

Chairman Brigitte Peterson announced that members of the public could comment on items not on the agenda. She stated that the Commission's response was limited to responding to criticism, asking staff to review a matter commented upon or asking that the matter be put on a future agenda. She asked if anyone would like to speak. She informed the audience that there were blue slips that needed to be filled out if anyone wanted to speak.

No one came forward.

## **PUBLIC HEARING**

Chairman Brigitte Peterson announced that comments will be heard from those in support of or in opposition to an item. Once the hearing is closed there will be no further public comment unless requested by a member of the Commission.

**GP05-7 - Minor General Plan amendment from Shopping Center (SC) to Regional Commercial (RC) on a 37-acre parcel located at the southeast corner of Gilbert and Warner Roads. Mike Milillo 503-6747**

**Z05-14 - Rezoning from Shopping Center (SC) to Regional Commercial (RC) within a Planned Area Development Overlay located at the southeast corner of Gilbert and Warner Roads. Mike Milillo 503-6747**

Chad Fuller recused himself from these items along with items S05-09 and S05-10. He explained that the owners of the properties were clients of the law firm he worked for.

Chairman Brigitte Peterson opened the public hearing.

Senior Planner Mike Milillo provided a visual aid of the General Plan exhibit. He reviewed the request, which was to a General Plan amendment and zoning case which will change the land use designation on approximately 37 acres from Shopping Center to Regional Commercial. He explained that the project was originally a PAD overlay in 1986. Subsequent to this, the Settlers Point PAD was amended on two different occasions for different types of development plans. He pointed out that Regional Commercial Land Use designation accommodates mixed commercial, entertainment, and high density residential development where residential uses are closely integrated with retail uses in a compact development containing urban amenities.

He used the visual aid and reviewed the surrounding land uses:

	<i>Existing Land Use Category</i>	<i>Existing Zoning</i>
<i>North:</i>	(GC) General Commercial	Maricopa County (Commercial)
<i>East:</i>	(GC) General Commercial, Residential >8- 14 DU/Acre and Residential 3.5-5 DU/Acre	GC, MF/L and SF-6



<i>South:</i>	Public Facility/Institutional (PF/I) and Residential >3.5-5 DU/Acre	PF/I and SF-6
<i>West:</i>	Shopping Center (SC)	Gilbert Road, then (SC) Shopping Center with a PAD overlay.

Mr. Milillo commented that staff finds the proposal conforms to the General Plan's Vision to "provide a sustainable mix of land uses that will maintain the quality of life elements that make Gilbert a community of excellence and promotes economic development and redevelopment at appropriate locations." This project's location, types of housing and easily accessible retail and service uses will help promote Gilbert as a community in which to live, work and play. Moreover, the proposed development concept contains several notable features that respond to the General Plan's policies:

- Traffic circulation needs are balanced with the goal of creating a pedestrian-oriented neighborhood and convenient employment/retail centers.
- The plan interconnects neighborhoods, retail and employment areas with a system of pedestrian and bicycle routes.
- Residential/non-residential land use transitions are carefully managed, and existing residential uses are protected from negative impacts of commercial uses

Mr. Milillo stated that staff supports the requested General Plan Amendment to the Regional Commercial (RC) land use classification finding that the 37-acre parcel is uniquely located to develop a synergy with the Gilbert Municipal Center and the surrounding residential neighborhoods and commercial centers.

Mr. Milillo reviewed the zoning request. He used an overall conceptual master plan of the Municipal Center and the new site. He reminded the Commission that earlier that year the Town contracted with a designer in order to redesign the conceptual master plan for the municipal center site. This established some hardscape elements, an amphitheater and some new buildings. It also established the final alignment for Palm Street which will connect to Civic Center to Gilbert Road on the west side of the site. The conceptual master plan originally envisioned retail commercial uses on the northwest portion of the site with residential and possibly office uses on upper stories. There would also be residential condominium uses on eastern portion of the site. All of these were integrated in a green open space plan with a pedestrian linkage back to the Municipal Center. A plan that was very similar to the one was shown that evening was shown to the public in an open house and to the Town Council in June.

Mr. Milillo explained that the existing zoning on the subject property is Shopping Center (SC). This zoning would accommodate medium scale retail, office, service and entertainment uses. The RC zoning district is necessary to accommodate both the mix of uses and the specific plan for development. The rezoning action will also repeal the 1986 Analysis of Commercial Land Use Requirements prepared for the Settler's Point PAD and the 1991 Design Guidelines for the Gilbert Municipal Center and replace them with the Conceptual Master Plan.

- Repeal of the 1986 Land Use Analysis- This analysis, performed almost 20 years ago, contained fairly accurate projections of economic and demographic conditions. While it did not anticipate the developing cluster of professional office space in the Loop 202/Val Vista Drive area, its recommendations for a mixed-use Civic Center Core are reflected in the current Gilbert Town Center proposal.
- Repeal of the 1991 Design Guidelines- The elements contained in these guidelines are replaced by the 2005 Conceptual Master Plan for the Municipal Center and Gilbert Town Square, the Site Development Regulations contained in the LDC and the modified RC zoning district Development Standards approved with this zoning request.

Mr. Milillo reviewed the project data:

Proposed Project*	
Gross Site Acreage:	+/- 37.1 acres
Existing Zoning:	(SC) Shopping Center with a PAD

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	overlay, Settler's Point.
Proposed Zoning:	(RC) Regional Commercial with a PAD overlay.
Gross Floor Area (Commercial):	179,000 s.f.
Dwelling Units (Lofts over Retail and Condominium Buildings):	1,206 units
Proposed Setbacks*:	Front-25' Side (streets)-20' Side (residential)-75' Rear 15'
Maximum Building Height**:	65' T.O. Parapet
Total Parking Provided:	2,385 spaces

\*This project has been reviewed under the Land Development Code (LDC)

\*\*Building Height Increase sought through Conditional Use Permit (UP05-12).

Mr. Milillo noted that the Use Permit for the height increase was not being approved that evening.

Mr. Milillo reviewed the Development Standard modifications:

**Development Standard Modifications**

<i>Standards</i>	<i>RC Zoning District/ Parking &amp; Loading Regulations</i>	<i>Proposed Development</i>
Maximum Building Height:	55'	65'/5 stories > 250' from Civic Center Drive (CUP Required)
Minimum Required Perimeter Landscape Area:	50' X 250' from intersection of street lines	< 50' between 170' and 250' from the intersection of Gilbert Road along the Warner Road frontage
Off-Street Parking Requirements:	1 space per 200 sq. ft. GFA	1 space per 250 sq. ft. GFA (Administrative UP)
Visitor Parking:	On-street parking counted toward the visitor parking requirement in SF-D, SF-A, MF/L, and MF/M zoning districts	Up to 82 on-street parking spaces on Palm Street counted toward the visitor parking requirement (Administrative UP)
Parking Screen Walls:	3'-4' parking screen walls or berms required to screen parking	No screen walls or berms required along the Gilbert or Warner Road frontages
Parking Space and Aisle Setbacks at Arterial Driveway Entrances:	A minimum of 80 feet from the arterial right-of-way	A minimum of 35 feet from the arterial right-of-way (Requires Town Traffic Engineer's Approval)
Maximum Depth of Retention Basins:	Retention basins shall not exceed a maximum depth of 2.5 feet, measured from the adjacent street grade	Retention basins shall not exceed a maximum depth of 4 feet, measured from the adjacent street grade (Variance Required)

Mr. Milillo reviewed the staff's comments on the development standard modifications:

Building Height- Staff supports the requested building height increase conceptually as it is limited to areas located a significant distance from any residential uses. The increase must be approved through submittal of an application for a Conditional Use Permit.

Intersection Landscape Area- The deviation was a 17.7% reduction along one frontage. He explained that the arterial intersection landscape buffer takes place at the intersection of the arterials. The requirement states that they must maintain a landscape buffer for 250' along Warner

and Gilbert Road. The applicant was proposing to provide more than 50' along the Gilbert Road frontage and exceed the 50' along Warner Road. However, between 170' and 250' the applicant was looking to provide less than the required 50'. He explained that staff supported this and felt that other precedents had been made in the Town of Gilbert for this in the past. The requested deviation from the Arterial/Arterial Intersection landscape buffer was justified given the proposal to develop a 265' X 135' public plaza at the corner of Gilbert and Warner Roads. This plaza provides more landscape/hardscape than contemplated in the LDC and staff believes it will more than offset the reduced landscape buffer along Warner Road.

**Parking Requirements-** Parking required for the commercial portions of this development is 968 spaces. The applicant is requesting a 20% reduction in the number of parking spaces normally required in the RC zoning district. Planning staff does not have sufficient information at this time to determine if this request is warranted. The decrease must be approved through submittal of an application for an Administrative Use Permit.

**Visitor Parking-** Planning and Traffic Engineering staff support the use of Palm Street for limited guest parking areas. This deviation will allow improved open space continuity, minimize paved surface areas and provide opportunities for shared parking with the Municipal Center site. Additional parking flexibility may be provided through submittal of an Administrative Use Permit.

**Parking Screen Walls/Berms-** The LDC screening requirements apply to all parking areas and access aisles within 75' of rights-of-ways. Staff cannot support the requested deviation, but recommends that all screening occur through the use of walls rather than berms and that screen walls be offset to allow pedestrian access to the project.

**Parking Space and Aisle Setbacks at Arterial Driveway Entrances:** The LDC requires a drive aisle setback of 80' from the arterial right-of-way. The requested deviation will be applied to a single driveway out of the six driveways proposed on the project. The northernmost Gilbert Road driveway provides a 35' drive aisle setback from Gilbert Road. As Gilbert Town Square promotes a compact, urban environment in which the building forms are located closer to the roads and 360-degree parking is provided at each building, and the application of this reduced standard is limited to only one driveway, staff supports the deviation. He explained that only the Town Traffic Engineer could approve this deviation and could not be a part of the PAD. He added that the Town Traffic Engineer was supportive of this deviation as there were only two directions that were affected.

**Maximum Depth of Retention Basins:** The maximum depth of retention basins is established at 2.5' from adjacent street, sidewalk or drive aisle grade. As Gilbert Town Center is envisioned as an urban, pedestrian-friendly development, staff cannot support the requested deviation. If projected stormwater flows cannot be reduced with consent of the County Flood Control district, underground storage should be planned as an alternative. This also could not be modified in the PAD. He explained that a variance would be required for this deviation.

Mr. Milillo concluded that staff supported the rezoning to Regional Commercial. They also support the modification for the corner landscape buffer. They feel that the planned ground floor retail uses, the residential loft and multi-family housing and office uses were all permitted in the RC Zoning district and will create a synergistic mixed use environment for this key parcel within the Town of Gilbert. He stated that staff recommended approval with the amended conditions that were given to the Commission that evening.

Commissioner Dan Dodge requested that staff review what had changed in the conditions.

Mr. Milillo explained that "a" remained the same. He added that that "b" had a slight modification in that the words "as modified by the PAD and Conceptual Development Plan attached as Exhibit L" were added. They added condition "c". He explained that after conferring with the Town Traffic Engineer they felt if

there was a strong indication that they would be approving visitor parking on Palm Street that they would want a dedication of the project's half of Palm Street. If they were going to use it as diagonal parking they should have 50' from the center line of Palm Street. Currently Palm Street does not exist. Item "d" was also added, requiring off site improvements to Palm Street. Items "e" and "f" were added, repealing the land use analysis and design guidelines. Some specifications on the arterial intersection plaza on the corner and Warner were added to item "g", along with a reference to Exhibit M. He explained that they felt they wanted a conceptual site plan for the area at the arterial intersection rather than just a vague conceptual representation on the development plan. Therefore they were attaching Exhibit M in order to supply some criteria in which to review the pedestrian plaza at the Design Review stage. The final item that was modified was in "h", sub item 3. They added some detail in what should be included in the Master Open Space Design Plan. It should include as a minimum an analysis of solar orientation, shading effects on landscape, water features and hardscape details. All of the items in condition h. would be reviewed by the Design Review Board.

Commissioner Dan Dodge stated that in respect to the second item of the development standard modifications, the minimum required perimeter landscape area, it stated less than fifty. He thought that this could be anything from 0-49. He couldn't find any specific reference to what was expected there. He went to the attachment, but did not get a full size. He was unable to tell by looking at Exhibit L.

Mr. Milillo explained that this was a drive that had parking along it that intersects with the internal village street system that has diagonal parking all along it. This drive curved to the north. He pointed out the northwestern curve line of the driveway on the visual aid and pointed out that the driveway encroaches in the fifty foot at a certain location. In addition, there were three parking spaces that were located along Warner Road that would be within the 50'.

Commissioner Dan Dodge questioned what the minimum width was within that landscape strip.

Mr. Milillo replied that the minimum width was about 10' instead of the required 50'.

Commissioner Dan Dodge was concerned about a requirement that just stated less than 50'. He thought they might want to be more specific.

Mr. Milillo replied that they were comfortable with it since the case had Exhibit M.

Commissioner Dan Dodge replied that this exhibit didn't show any dimensions.

Mr. Milillo replied that they could change it to state between 10' and 50' of depth between 170' from the intersection.

Commissioner Dan Dodge referred to the same chart, the Development Standard Modifications, under visitor parking, where they refer to the 82 on street parking spaces on Palm Street. He questioned if they were talking about the residential or business component of the project.

Mr. Milillo responded that they were referring to the residential component.

Commissioner Dan Dodge questioned if this ended up accounting for most of the visitor space.

Mr. Milillo replied that they just received the traffic impact report today and he did not have an answer. He deferred it to the applicant

Commissioner John Sentz referred to the off street parking modifications and questioned what the basis was for the 25% reduction in parking.

Mr. Milillo replied that staff's understanding on this was that because there was a mixture of uses they were looking to share parking since each use had different peak parking hours. They had not seen any analysis that would provide for justification of this. Therefore staff didn't have an opinion regarding this item.

Commissioner Dan Dodge pointed out that this would not be approved this evening and would come in later under a Use Permit.

Commissioner John Sentz referred to the arterial entrance, and stated that staff indicated that this would only apply to south bound and east bound. He thought it also applied to north bound traffic.

Mr. Milillo provided a visual aid and pointed out that the driveway that required the modification. What he was explaining in serving east bound and south bound was that there were only two movements when you entered the plaza.

Vice Chairman Michael Monroe referred to the parking screen walls and questioned what the staff's opinion was on them. He thought that they had all Warner Road with parking and a portion of Gilbert Road with parking. He thought that it looked pretty close to the sidewalk and was concerned about the applicant's request to not have screen walls.

Mr. Milillo replied that staff was not supporting the deletion of the parking screen walls in that area. The applicant was proposing the deletion of any screening techniques. The Code allows you to use two screening techniques to screen parking from streets. One would be three foot high screen walls and the second was berms. The staff was recommending that they utilize the screen walls and were not supporting any deviation to the code requirements. They didn't support the use of berms because they require more area. Since it was a very urban and compact project they felt that the screen walls would be much more effective.

Chairman Brigitte Peterson requested that the applicant come forward for their presentation.

Shelly McTee with Biskind, Hunt & McTee, 11201 N. Tatum Blvd. Suite 330, Phoenix came forward. She stated that they represented Burkas Design Studio, relative to the Gilbert Town Center. She noted that present that evening were Barry Burkas, the architect and developer of the project; Steve Burkas, who will be in charge of the construction; John Rosenfelt, their in house council; Ash Sendecard and Jim Cambel with Petell and Associates. She stated that they had submitted an application for a Conditional Use Permit for the integrated residential and the building height for the loft portion of the project. In addition later that week they would be submitting the application for an Administrative Use Permit for the two parking issues, for the reduction parking as well as off street parking. She explained that they were waiting until they had their parking study completed because this provided the background information. To clarify on the parking, she indicated that they have requested the parking deviation only for the commercial portion. With this 20% reduction for commercial they end up providing 291 spaces greater than they had requested the reduction for. In regards to the offsite parking along Palm Drive, there were 64 spaces provided. They have 143 visitor guest parking spaces. Regarding the screen wall, she stated that they feel that because of the urban nature of the project they would like the parking come up to the street. She described the urban nature of the project and that screen walls would be important and that they would prefer not to have them so that they could emphasize the urban nature of the project. Regarding the issue on Gilbert and Warner, they met with Town Traffic Engineer Bruce Ward and he did state that he was in support of the small reduction from the 35' to the 50'. In regards to the retention basins, there has been discussion about that. If they were going to be required to conform to the two and a half feet they would like it to be revised to state, "or as approved by the Town Engineer". She stated that their latest indication was that the Town Engineer had approved the depth up to 3'. Regarding the conditions, in the dedication of Palm Street it was suggested that they dedicate 50' because of the perpendicular parking. In meeting with Mr. Ward it was discussed that this might move to a 60 degree or 90 degree parking along Palm Street. She wanted the condition revised to state either 35' from center line or if they need to leave it at 50' place a condition that stated "or as approved by the Town Engineer". She felt that this would be acceptable to the Town Engineer. They agreed to the other conditions that were added. She referred to Exhibit M and stated that

they could place dimensions on it to clarify that it couldn't go all the way down to zero. It was in some areas a minimum of 10'. She discussed the outreach program. She explained that the staff hosted a neighborhood meeting in June. They had another meeting with surrounding property owners and business owners. She noted that the response was very supportive. She added that a neighbor in Settlers Point e-mailed them a letter of support as well. She thanked the staff for their hard work on the project.

Barry Burcas, AIA Architect, 323 Mesquite, Scottsdale came forward. He complimented the staff, Commission and the administration for being very cooperative during the process. Throughout Arizona they had seen a tremendous amount of strip shopping centers on the corners and turning them into seas of parking. He felt that they established "a place" when they built the civic center. Of all the area in Gilbert, they felt that this was an area that should become a central park for living along with an urban village that would address the needs of the people that live on site and in the community. He explained that they had tried to create a village that had old streets in front of the commercial. The reason that the street is not set back 50' from Warner or Gilbert was that they wanted the street to be a surface street, not parking lot, divided by a minimum of 5' which goes up to 20, plus the corner (which was approximately 240' deep by 100' in width). At that corner would be a plaza that the public and residents of the area could enjoy. In the new urban areas they were trying to take the buildings to the street and place the parking behind the buildings. Therefore there is a street friendly pedestrian way to the shops. He explained that they did this in the project. Since Gilbert and Warner were fast moving streets, they couldn't move the buildings directly up to the streets. Therefore they created surface streets off of Warner and Gilbert and provided enough loading and stacking area so that there would not be any danger. He compared the streets to the ones at Carolyn Commons in front of the shopping areas. Those streets were abutted by a sidewalk that was 15' deep in front of the commercial. They will be addressed with shade structures and misters so that the people walking in front of the shops will have a pleasant environment. He added that the parking area was 70' wide instead of 62'. In addition they had a greenbelt strip between the sidewalks and the streets with trees.

Mr. Burcas discussed the living areas. He stated that they were placed on a 400'x180' park. He explained that he instructed the landscape architects to make it look like Central Park in New York. He wanted it to be draught resistant in many areas, water to be reclaimed, shaded areas for picnics, and a meadow and rocks that allow you to sit and view the landscape areas. He explained that when they first came to staff they had parking along the major road that separated them from the residential. Staff didn't want a lot of parking in that area, they wanted green belts. That way the neighbors in the multi-family and single family homes would look onto green belts. Some of the separations were over 200'. He pointed these areas out on the visual aid. He discussed how they placed the buildings so that people had views into the parks. He described the home and office spaces that were located close to each other. He provided elevations of these living spaces. He described the project and how it connected to the Town's amphitheater. He used the visual aid to point out the pedestrian patterns. He provided the Landscape Plan and described how they were attempting to mimic Central Park. He pointed out the other features of the landscaping. He described the retention area and stated that they were not sure if it would be 3' or 4' because they were told that the flow that was coming into the site by Flood Control were greater than have been originally forecasted for the site. If during the process they find that there is less water then they will be able to raise those areas and have the 2' or whatever the need may be. He explained that they wanted to design to protect the Town and its residents. He indicated that the project would either be called "Central Park at Gilbert Center" or "The Town Center of Gilbert". He stated that they would work this out with the Design Review Board and the staff as they go forward.

Mr. Burcas noted that they would like to recognize the historic buildings in the area and the civic center. Therefore they would be using some of these features and incorporating them into the project buildings. He reviewed some of the projects that they had done in the area: The Pavilions, the entry project to Gainey Ranch; Charicowa at Desert Mountain, which blended into the mountain sites; at the Boulders they did the fifth green around the Boulders and rerouted the golf course; and they did the resort housing outside the Boulders. As a firm they had done a lot of loft living for people that didn't want traditional single family homes. He used a visual aid to illustrate these lofts. He provided a visual aid of Playa Vista which was a four story building similar to the one proposed.

Mr. Burcas discussed the transportation studies using a visual aid. He pointed out that the town center had 3,000 trips less than when the Wal-Mart proposal was made. He concluded that they wanted to provide a city center by moving the street up to a minimum of 5'. He stated that if they build a wall that was three feet high in front of the plaza then it would become a shopping center. He didn't think they wanted this. In contrast they want it to be a main street that compliments the older town area and made this a new town area that becomes a center for the civic area.

Commissioner Anthony Bianchi asked what the purpose and benefits were of the parking screen walls.

Mr. Burcas replied that in a major shopping center where there was 200'-300' of parking in front of the building that the wall would shield the car and remove it from the pedestrian ways. In looking at Neo-Traditional planning and new urbanism, they are trying to bring the vehicle up to the sidewalk where people walk. Since they were providing planting strips and large sidewalks between the building and the parking it would feel like an old town center, in which you wouldn't see parking walls.

Commissioner Dan Dodge requested that the applicant describe what would happen next to the street on Warner Road.

Mr. Burcas explained that on Warner Road there would be a meandering sidewalk then a green space between the sidewalk and the road. There would be green space again between this and the parking. In looking at the Landscape Plan it illustrated that they were trying to create a trail that was pedestrian friendly.

Acting Planning Director Linda Edwards noted that any condition regarding screen walls was not part of the PAD. The Land Development Code has become very specific in what is permitted as deviations to the code with a PAD. The ULDC allowed whatever deviations they wanted to add. In contrast, the LDC stated that the purpose for the PAD is to deviate from the base district regulations, such as setbacks. All the other things that were listed in the matrix in the staff report would be handled in a different way, based on what was described, such as by a Conditional Use Permit

Commissioner Dan Dodge pointed out that the staff report did not indicate that this would require a variance. He assumed that it wasn't in the staff report because the staff indicated in their presentation that they didn't support the deviation. He questioned if council concurred with this position.

Town Attorney Phyllis Smiley agreed that Ms. Edwards was correct.

Vice Chairman Michael Monroe explained that the confusion was that in the modifications in the chart there were parentheses that indicated how the item would be handled. In this section it did not list anything.

Chairman Brigitte Peterson asked if anyone from the public wanted to speak on the item. Seeing no one, she asked if the staff or applicant had anything to add.

Mr. Milillo came back to the podium. He apologized for not placing the parentheses in the screening walls section of the matrix. He explained that with the ULDC there was a wide range of things that could be placed as conditions, but the LDC was very specific as to what could be added to the PAD stipulations.

Commissioner Karl Kohlhoff was confused as to what they could do about the parking screen wall. He didn't want to leave it there after what he had heard.

Commissioner Dan Dodge stated that this was not their purview, nor was the purview of the Design Review Board.

Ms. Edwards stated that their landscape regulations had become more flexible in not requiring a full screen wall for the entire length where a screen wall is permitted. The code now allowed a combination of berms and landscaping. In the ULDC it only permitted up to 25%. She felt that they could be very creative with the applicant and architect in screening what was needed without the block screen wall. She added that they had not gotten that far yet.

Commissioner Karl Kohlhoff requested a further explanation of neo-traditional. He wondered how it was handled in the Gateway area.

Mr. Milillo replied that in the Gateway area they had Traditional Design Guidelines. Commercial centers were still required to provide screen walls. The vast majority of the Traditional Design Guidelines in the Gateway area had been applied to residential product. He added that the types of design that they see included sidewalks that were set back by planter strips from the back of curb on the streets, minimal building setbacks, higher densities and garages that were placed on the rear or sides of buildings. He said the Traditional Design Guidelines were difficult to apply to traditional commercial centers because they have very large parking lots. However, they had not made any deviations to parking or screening standards in the Gateway area based on those guidelines.

Vice Chairman Michael Monroe clarified that if the applicant didn't want screen walls he would have to apply for a variance.

Mr. Milillo replied that they would need to apply for a variance.

**A motion was made by Commissioner Dan Dodge, seconded by Vice Chairman Michael Monroe, that based on the following findings, they move to recommend to the Town Council approval of GP05-7, a minor General Plan amendment for proposed development that meets the intent of the land use designation requested and can successfully be coordinated with exiting development in the surrounding area; and recommend to the Town Council approval of Z05-14, rezoning of Gilbert Town Center, subject to Staff stipulations amended on 10/5/05 with the following modification: item b, c adding to the last sentence "or as otherwise approved by the Town Engineer".**

**Motion Carried 6-0.**

**A:** Recommend to the Town Council, approval of the Minor General Plan amendment (GP05-7);  
and,

For the following reasons: the development proposed conforms to the General Plan and can be coordinated with existing and planned development of the surrounding areas, the Planning Commission moves to:

**B:** Recommend to the Town Council to approve a zoning amendment (Z05-14) to Settler's Point PAD, subject to the following conditions:

- a. All of the conditions and requirements of Ordinance No. 427 as amended by ordinances No. 617, 725, and 1287 shall remain in full force and effect, unless otherwise amended by the conditions below.
- b. The project shall be developed in conformance with the Town's zoning requirements for the RC zoning district as modified by the PAD and Conceptual Development Plan, attached hereto as Exhibit L and all development shall comply with the Town of Gilbert Land Development Code. The project shall also be developed in conformance with the Conceptual Development Plan attached hereto as Exhibit L.
- c. Dedication to the Town for Palm Street right-of-way that is adjacent to the Property shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of Palm Street shall extend 50 feet from the centerline **or as otherwise approved by the Town Engineer.**



**Nathan Williams**

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**From:** Paul Flacco <paulflacco@gmail.com>  
**Sent:** Thursday, September 18, 2014 3:12 PM  
**To:** Nathan Williams  
**Subject:** Proposed Apartments at Gilbert & Warner

Nathan,

It was a pleasure speaking with you today. In regards to the proposed apartments at the intersection of Gilbert & Warner south east corner. Please stop these from being built! I am a resident of Gilbert of 18 years and live in the Settlers Point neighborhood.

With existing apartments south of Lifetime Fitness and proposed/approved apartments in the Town Square complex how more apartments do we need in this area? How many more apartment complex do we need in Gilbert? Enough of the high density housing in Gilbert! We did not move to Gilbert because of the density we moved to Gilbert for the openess. High density housing is not providing Gilbert with a tax benefit. This parcel of land is not approved for housing and it should stay that way. Just because apartments are the 'popular' thing to build right now it doesn't mean that we need jump and approve what is not needed. That lot has been empty for the 20 years that I have lived in the valley and if it needs to go 20 more years empty I am fine with that. Empty land is better that more high density housing.

Thank you,  
Paul Flacco  
602.695.3863